

US EPA ARCHIVE DOCUMENT

In the matter of:
Definition of Solid Waste Proposed Rule
Public Meeting

Monday, September 12, 2011

10:00 a.m.

Philadelphia Marriott Downtown
1201 Market Street
Philadelphia, Pennsylvania

Reported by: Christine Brown,
Certified Court Reporter
Capital Reporting Company

1 A P P E A R A N C E S

2 MEMBERS OF THE EPA:

3 CHARLOTTE MOONEY

4 MARILYN GOODE

5 BETSY DEVLIN

6 RICHARD HUGGINS

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 P R O C E E D I N G S

2 MS. DEVLIN: Good morning. We will get
3 started. Thank you for attending today's public
4 meeting on EPA's proposed rule regarding the
5 definition of solid waste.

6 Before we begin, I'd like to thank you for
7 taking the time out of your schedules to address our
8 proposed rule and we look forward to hearing you today
9 and to receiving your comments.

10 This is the first of two public meetings we
11 will be conducting. The second meeting will be in
12 Chicago, Illinois, later this week on Thursday.

13 My name is Betsy Devlin. I am the acting
14 director of the Materials Recovery and Waste
15 Management Division in EPA's Office of Resource
16 Conservation and Recovery. I will be chairing the
17 session of today's public meeting.

18 With me today on the panel, Charlotte
19 Mooney, who's the chief of the recycling and generator
20 branch; Marilyn Goode, who's the workgroup chair for
21 the definition of solid waste rule; and Richard
22 Huggins, who works in our division and he's going to
23 be helping keep time today.

24 Before we begin, I'd like to provide with
25 you a brief description of the proposed rule on which

1 we're taking comments today as well as the logistics
2 of how we're going to run today's meeting.

3 On July 22nd, EPA proposed -- EPA published
4 a proposed rule that requested comments on potential
5 revisions to the definition of solid waste, or "DSW,"
6 portion of RCRA hazardous waste regulations. The DSW
7 regulations govern how hazardous secondary materials
8 are regulated when they are recycled.

9 In our proposal, EPA is requesting public
10 input on six major proposed revisions to recycling
11 regulations.

12 First, EPA is proposing to replace the 2008
13 exclusion for hazardous secondary materials
14 transferred to a third party for reclamation with an
15 alternative hazardous waste standard.

16 Under this alternative standard, the
17 hazardous recyclable material would be subject to
18 hazardous waste regulations, but with streamlined
19 requirements for generators.

20 For example, we're proposing to allow
21 generators that ship their hazardous secondary
22 materials to a third party for reclamation to
23 accumulate those hazardous recyclable materials for up
24 to a year without a permit or interim status. We're
25 also taking comment on other possible streamlining

1 revisions to the generator requirements.

2 Second, we are proposing to retain the 2008
3 exclusion for hazardous secondary materials that are
4 reclaimed under the control of the generator, which
5 includes reclamation on-site, off-site by the same
6 company, and under certain tolling agreements.

7 However, we are proposing a clearer
8 definition of when the hazardous secondary materials
9 are contained. This proposed change is meant to
10 address some concerns from states and the regulated
11 community that the current contained standard is not
12 adequate. We are also proposing additional
13 recordkeeping requirements.

14 Third, we are proposing to apply the
15 existing regulatory definition of legitimate recycling
16 to all hazardous secondary material and hazardous
17 waste recycling.

18 This clarifies for all generators and
19 reclaimers that all operations regulated as recycling
20 must be legitimate, or true, recycling and not just
21 treatment or disposal in the guise of recycling.

22 This change is designed to improve
23 compliance and will enable regulatory authorities to
24 better enforce against sham recycling.

25 We are also proposing to make all of the

1 legitimacy factors mandatory, with a petition process
2 to account for the rare instance when a factor is not
3 met even when recycling is legitimate. The proposal
4 also requires the recycler to document that their
5 recycling is legitimate.

6 Fourth, we are proposing a new exclusion
7 from the definition of solid waste for high-value
8 solvents being sent for remanufacturing into similar
9 high-value products.

10 The goal of the remanufacturing exclusion
11 would be to encourage remanufacturing of eighteen
12 high-value solvents used in specific high-value
13 manufacturing functions, again provided certain
14 conditions are met.

15 Fifth, we are proposing revisions to the
16 case-by-case solid waste variances and nonwaste
17 determinations in order to foster greater consistency
18 among the implementing agencies and help ensure
19 protectiveness of the variance and nonwaste
20 determinations.

21 And last, but not least, we are taking
22 comment on requiring additional safeguards for other
23 existing recycling regulations, including requiring
24 facilities to notify their regulatory authority of
25 their activities and to contain their hazardous

1 secondary materials.

2 Additionally, EPA is also releasing for
3 public comment its Draft Expanded Environmental
4 Justice Analysis of the Definition of Solid Waste
5 Rule.

6 This analysis has been completed and has
7 undergone peer review. Both the analysis and the peer
8 review comments are available in the docket for public
9 comment.

10 In conclusion, we believe the DSW proposed
11 rule strikes an appropriate balance between
12 encouraging sustainable materials management through
13 hazardous secondary material reclamation, while
14 protecting human health and the environment from the
15 risks of hazardous materials.

16 Now I'll cover some staff logistics for the
17 comment portion of today's meeting. We'll work as
18 follows: Speakers, if you preregistered, you were
19 assigned a time session; morning, afternoon or
20 evening, when you're scheduled to give your five to
21 ten minutes of testimony.

22 I will call speakers to the front. When your
23 name is called, if you would please move to the
24 microphone and state your name and affiliation. We
25 may ask you to spell your name for the court reporter

1 who is transcribing comments for the official record.

2 Once all the preregistered speakers for the
3 session have had a chance to speak, we will call those
4 who have registered on-site to speak.

5 Testimony today is limited to ten minutes.
6 We will hold up cards to let you know when your time
7 is getting low. When we hold up the yellow card, you
8 have one minute left. And when the red card is held
9 up, you should stop speaking. And when you have
10 completed speaking, please return to your seat.

11 If you have a copy of your written
12 testimony, please place it in the box at the
13 registration table and also please remember if you
14 didn't get to finish your remarks, your written
15 comments will be entered into the record just as if
16 you had provided them orally. And also please
17 remember you may submit comments to EPA until October
18 20th.

19 We will not be answering any questions on
20 the proposal today. However, from time to time, any
21 of us on the panel may ask questions to clarify any of
22 your testimony.

23 Again, our goal is to ensure that everybody
24 who has come today is given an opportunity to provide
25 comment and we're going to do our best to accommodate

1 all the speakers.

2 We are scheduled to run the meeting today
3 until 7, but we'll stay later if we need to. But if
4 for some reason time does not allow you to present
5 your comments, you may submit written comments as
6 explained in the handout at the registration table.

7 If you would like to speak but have not yet
8 registered to do so, we ask that you please sign up at
9 the registration table.

10 An overview of the 2011 DSW proposal, which
11 also includes instructions on how to submit written
12 comments, can be found at the registration table where
13 you signed in today as well.

14 Finally, if you have a cell phone, we'd
15 appreciate if you would turn it off or turn it to
16 vibrate. And if you need to use your phone at any
17 time, please move into the lobby or somewhere just
18 outside the meeting room.

19 We will make adjustments to the logistics as
20 the day progresses if we need to. And I thank
21 everybody for participating and we will get started
22 with comments.

23 Mr. Giannotto, please.

24 MR. GIANNOTTO: Good morning. My name is
25 Michael Giannotto, G-I-A-N-N-O-T-T-O. I appreciate

1 this opportunity to speak at this public meeting on
2 behalf of Newmont Mining Corporation. Newmont is N-E-
3 W-M-O-N-T.

4 Newmont is one of the largest gold mining
5 companies in the world. It has extensive operations
6 in the state of Nevada.

7 Today I'd like to briefly talk about two
8 issues. I've submitted a written copy of my statement
9 which goes into more detail on these, but two issues.

10 The first is the inappropriateness, in fact
11 the impossibility, of applying the proposed legitimacy
12 criterion relating to toxics along for the ride, or
13 TAR, to recycling done by Newmont and other gold
14 mining and precious metals mining companies.

15 And second, the unworkability of the
16 variance petition procedure that's been set up in the
17 proposed rule to try to deal with situations where the
18 TAR criterion doesn't make any sense. In fact, as I'm
19 going to be pointing out, the EPA in two prior rule-
20 makings has recognized that the TAR criterion really
21 doesn't make any sense to mining companies such as
22 Newmont.

23 So what we are urging is that in any final
24 rule promulgated by the EPA arising out of this
25 proposal, that the TAR criterion remain optional as it

1 is now, under the 2008 DSW rule, or at least that
2 precious metals mining companies be exempted from it
3 or it be made optional for precious metals mining
4 company.

5 To start off with, Newmont and other
6 precious metals mining companies are in the business
7 of extracting ores from the earth that contain gold
8 and then processing them to get gold.

9 The final product of their operations is
10 dore, D-O-R-E, which is a solid -- 75-pound solid mass
11 of gold and silver.

12 But because of naturally occurring metallic
13 impurities that are contained in ore that is mined,
14 trace amounts -- there will be trace amounts of
15 naturally occurring metallic impurities in the dore.
16 And some of those impurities are RCRA, Part 261,
17 Appendix 8, constituents.

18 But nonetheless, the dore poses no risks to
19 health or the environment. It's in solid form. The
20 amount of impurities can vary, but usually they're
21 less than 1 percent of the dore. The dore is not sold
22 to the public. It's sent to refineries who then
23 purify into 99.99 percent gold.

24 Now, as part of the process of processing
25 ore, a precious metal company, such as Newmont,

1 generate secondary materials that have loads of gold
2 in them, I mean, loads of gold, orders of magnitude,
3 greater than is in ore itself. And in our written
4 comments we describe these secondary materials and the
5 amounts of gold they have.

6 But suffice it to say that in each of
7 Newmont's facilities, Newmont ends up recovering about
8 \$10 million worth of gold a year from these secondary
9 materials.

10 These secondary materials when they are
11 generated basically automatically are put back into
12 the primary production process. It is part of the
13 primary production process. They're put in the same
14 units that the ore is put in, to process them to get
15 the gold.

16 These practices long preceded the RCRA
17 regulations in 1980. They're done to recover the
18 gold, not to get rid of the naturally occurring
19 metallic impurities that might be in the secondary
20 materials.

21 And EPA regulators in authorized states have
22 long recognized that this is legitimate recycling.

23 Now, some of these secondary materials can
24 at times possess the TCLP characteristic for metals
25 due to those naturally occurring metallic impurities

1 in the ore that are passed onto the secondary
2 materials. Sometimes they're TCLP; sometimes they're
3 not. It depends on the nature of the ore lot.

4 But mining companies have been able to
5 recycle these without being subject to the RCRA
6 regulations mainly because of the rule at 261.2(c)3,
7 which allows you to recycle characteristic sludges and
8 bioproduct into reclaimed metals out of them.

9 But the secondary materials are always
10 responsibly managed. They're never managed in land-
11 based units. They're never managed outside. And
12 we're not aware of any damage cases in the industry
13 that has occurred as a result of this recycling.

14 I want to point out that in the damage
15 cases' background documents that EPA have -- has, it
16 points to five damages cases that have occurred in
17 what it calls recycling of precious metals, but those
18 are not mining cases. Those are cases where third
19 parties have taken some product that's already been
20 manufactured, like a battery or a watch or film and
21 try to get gold out of them. It has nothing to do in
22 our industry where we're processing ore.

23 Now, the problem with the TAR criterion is
24 that you can't apply it in our industry. What the TAR
25 criterion requires you to do would be look at some

1 dore that was produced without secondary materials and
2 compare the Appendix 8 constituents and that to the
3 dore that's produced with recyclable materials.

4 The problem is that no dore is produced from
5 solely virgin materials. All dore is in -- the whole
6 industry is produced from a combination of virgin
7 materials, that is the ore, and the secondary
8 materials. So there's no way to apply the criterion.

9 So right off the bat, if this TAR criterion
10 is made mandatory, all of these secondary materials
11 that have millions of dollars of gold that are
12 recyclable would suddenly be considered sham recycling
13 because you couldn't apply the criterion.

14 And it's even worse than that, because even
15 if you could somehow revamp operations to produce a
16 batch of dore without secondary materials, the amount
17 of metallic impurities in the dore is not going to be
18 constant. It's going to be a constantly moving
19 target.

20 And that is because when you mined different
21 ore bodies, they will -- although they'll always have
22 small concentrations of the Appendix 8 metallic
23 impurities, those concentrations will vary daily as
24 you mine the ore bodies.

25 So the amount of constituents in dore will

1 constantly change. So even if you could somehow spend
2 hundreds of thousands of dollars revamping your
3 production process to get one batch of dore without
4 secondary impurities, you have to be doing a constant
5 comparison every day because the dore is going to
6 change because of the metallic impurities.

7 In the preamble to the July 22 proposal, EPA
8 suggests that where this situation happens, perhaps
9 you can compare the amount of toxic or the metallic
10 impurities that are in the secondary material itself
11 with the amount that's in the virgin material.

12 But that won't work for mining, including
13 precious metal mining, as EPA recognized in 1998 when
14 it promulgated the Phase IV LDR rule.

15 The reason is that as the mineral processing
16 process proceeds, not only is the amount of gold
17 concentrated, but so is the amount of metallic
18 impurities. And as a result, secondary materials will
19 always have more metallic impurities than the ore
20 itself. But the EPA recognized in 1988 that that's
21 not a sign of legitimate -- of sham recycling.

22 In fact, to the contrary, EPA concluded that
23 that was legitimate recycling. And just as the EPA
24 concluded in '98 -- in '98, the EPA thought about
25 imposing a TAR criterion on the mining industry and

1 changed its mind. In the 2000 -- October 2008 DSW
2 rule, EPA made the TAR criterion optional and
3 recognized in the preamble that one instance where it
4 might make no sense is in the mining industry.

5 We would not like to have a TAR criterion at
6 all, but we can live with the optional criterion,
7 because this clearly is legitimate recycling.

8 But now EPA wants to make it mandatory. And
9 like I said, that will in effect define all of our
10 recycling practices that we've engaged in forever,
11 long before RCRA ever existed. It will define those
12 as sham recycling.

13 Now, the manner in which the July 22
14 proposal wants to deal with this situation is to have
15 a variance procedure. The problem is it's not going
16 to work in our industry. And the reason it's not
17 going to work is because we expected that it will take
18 years to get a variance -- and I'll go into that in a
19 little more detail.

20 During those years when we're waiting for
21 variance procedures, enormous cost will be incurred.
22 We might have to shut down certain facilities. We'll
23 lose the value of the gold, tens of millions of
24 dollars a year per facility that would be gotten from
25 recycling.

1 I only have one minute left. The reason I'm
2 taking a long time is that basically every mineral
3 processing facility will have to apply for a variance.
4 We'll have a hundred and fifty such mineral processing
5 facilities nationwide. They will all have to apply.
6 They will have to apply for many streams.

7 They're going to have to show their bio, the
8 availability of toxics, the dangers of the products
9 and whatnot.

10 In addition, the RIA, the Regulatory Impact
11 Analysis, estimates that there's another 250
12 facilities nationwide.

13 If you look at how long it's taken EPA to
14 grant listing petitions over the years, it generally
15 takes three to five years. We feel the same will be
16 here. And while we're waiting for delisting petitions
17 to be granted, we'll have to stop recycling; we'll
18 have to revamp operations or shut down operations, so
19 we can no longer recycle because that's part of our
20 normal production process.

21 And in addition, after a year -- because
22 after a year we can't store this stuff or the
23 speculative accumulation -- we'll have to pay for a
24 TSD facility to dispose of it. And in addition, we'll
25 lose forever the tens of billions of dollars of gold.

1 So in sum, none of these costs were
2 considered in the regulatory impact analysis. None of
3 these costs of delay and losing revenues or laying off
4 workers and revamping production of facilities was
5 ever considered in the regulatory impact analysis.

6 So again, I thank the EPA for this
7 opportunity to speak. I urge you to make the TAR
8 criterion optional or at least exempt the precious
9 metals mining industry from its reach, because it
10 makes absolutely no sense, as the EPA has recognized
11 two times before.

12 Thank you very much.

13 MS. DEVLIN: Thank you.

14 Mr. Moss. Are you here?

15 MR. MOSS: Dan Moss, M-O-S-S. I'm with the
16 Society of Chemical Manufacturers and Affiliates.

17 Good morning. My name is Dan Moss. I'm
18 pleased to appear before you this morning to present
19 the views of Society of Chemical Manufacturers and
20 Affiliates, or SOCMA, on the agency's new proposed
21 definition of solid waste rule.

22 SOCMA is a leading international trade
23 association serving small and midsize batch, custom,
24 and specialty chemical manufacturers. I want to focus
25 on a few broad areas related to the DSW rule. We will

1 be submitting written comments for the record which
2 will address these issues in more detail later.

3 First and foremost, SOCMA was strongly in
4 support of this final rule finalized in October 2008,
5 and remains so. We believe that the rule struck an
6 appropriate balance between economic and environmental
7 concerns and would enable our members, over 70 percent
8 of which are small- and medium-sized businesses, to
9 recycle more materials than they do now. SOCMA
10 continued to weigh in on the rule, and EPA announced
11 its intention to consider reopening parts of it.

12 We spoke at the June 30th, 2009 public
13 meeting and submitted written comments in August of
14 that year. SOCMA also submitted comments on the draft
15 and environmental justice methodology in the spring of
16 2010.

17 Regarding the new proposed rule, at the
18 outset, we just wanted to say how pleased we were to
19 see a proposed rule be amended after the conclusion.

20 We basically agree with the EPA that some
21 specific types of hazardous secondary materials are
22 more like valuable commodities than solid waste, are
23 accordingly managed in ways that are indicative of
24 discard, and should thus be not be regulated as waste.

25 The agency correctly noted that the

1 potentials for discarding intercompany remanufacturing
2 transfers for certain higher-value spent solvents will
3 be low because they will be incorporated into the
4 manufacturing process rather than accumulated or
5 disposed of.

6 The proposed exclusion will provide economic
7 incentives for companies to recycle the relevant
8 solvents -- solvents, a more sustainable approach than
9 incinerating them.

10 It will likely bolster the economic
11 performance of these manufacturers, even in a slow
12 economy, without increasing the risk of discard in any
13 way.

14 SOCMA also does not object to any of the
15 conditions that the EPA has attached to the exclusion
16 and believes that the notification, remanufacturing
17 plan, recordkeeping and storage condition requirements
18 are all reasonable measures.

19 SOCMA supports that initial list of 18
20 proposed solvents eligible for the exclusion but urges
21 the EPA to consider including all solvents that are
22 used in reactors, extractors, purifiers or blending
23 equipment in pharmaceutical, organic, chemical, or
24 plastics and resins manufacturing.

25 At a minimum, SOCMA believes that EPA should

1 add benzene, acetone and isopropyl alcohol to its
2 hazardous secondary material list.

3 We also believe that the exemption should
4 not be limited to solvents and it should come from
5 other products that get remanufactured and used in
6 similar ways as high-value products.

7 Finally, we urge the EPA to develop a
8 standard petition process so that interested persons
9 could propose additional solvents for the exemption.

10 As people become familiar with the rule and
11 as material usages and new applications arise, there
12 will likely be a call for similarly valuable solvents
13 to be exempted.

14 Regarding the "under the control of the
15 generator" provision, we strongly support the
16 retention of the exclusion for hazardous secondary
17 materials reclaimed under the control of the
18 generator.

19 We very much agree with EPA's continued
20 belief that hazardous secondary materials which remain
21 under the control of the generator are not discarded
22 so that staying or deleting this exclusion would
23 result in the EPA regulating materials that it does
24 not have RCRA jurisdiction over.

25 Furthermore, as the EPA noted in the

1 proposal, the EPA has not received any information
2 that would cause the EPA to reverse its determination.
3 We do not believe the newly proposed provisions making
4 notification of condition of the exclusion of
5 recordkeeping are really necessary.

6 We question, for example, how additional
7 recordkeeping empowers environmental justice
8 communities.

9 Regarding the retention of the tolling
10 provision, the SOCMA is probably the single greatest
11 proponent of the tolling provision within the -- under
12 the control of the generator exclusion.

13 As SOCMA noted previously in its 2007 and
14 2009 comments, these provisions are particularly
15 important to us given the unique composition of our
16 membership.

17 Many of our members engage in toll
18 manufacturing in which one party contracts with a
19 second party to have a particular specialty chemical
20 to remediate their product made at a facility owned or
21 operated by the second party.

22 Since the terms of the tolling agreement can
23 ensure that secondary materials generated and recycled
24 as a part of the manufacturing process remain under
25 the control of the generator, the provisions enable

1 our members to make beneficial use of valuable
2 materials, that they had been destroyed by
3 incineration, thus promoting the proposal's goal of
4 sustainable materials management.

5 SOCMA does not strongly object to the new
6 proposed tolling recordkeeping requirements.

7 Given the agency's consistent support for
8 these provisions, however, we were frankly shocked by
9 the proposal's statement that if the exclusion is
10 going to be only infrequently utilized, it might be
11 better for both the regulated community and regulatory
12 authorities if we're not part of the exclusion.

13 SOCMA could not oppose this suggestion more
14 strongly. EPA has previously agreed the tolling
15 arrangements ensure that there is no discard since the
16 hazardous secondary materials remain under the control
17 of the generator.

18 Since the rule was finalized in October
19 2008, nothing has changed in this regard.
20 Specifically, the definition to which EPA refers to in
21 laying out its rationale for a possible alternative to
22 the tolling exemption are no different and no more
23 complicated than they were when the EPA promulgated
24 the rule.

25 The agency itself notes that toll

1 manufacturing can be an efficient method for material
2 production and that the agency does not wish to
3 unnecessarily discourage sustainable reclamation
4 practices under these arrangements.

5 Furthermore, EPA itself acknowledges that if
6 its suggested alternative is adapted, the tolling
7 contractor conducting the reclamation might need to
8 obtain a RCRA storage authority permit, a
9 disincentive, to be sure, for additional recycling.

10 What's worse, EPA is the reason the
11 exclusion has been infrequently utilized and so citing
12 that as the basis for rescinding it is like tying
13 someone's arms behind their back and then faulting
14 them for not putting up a fight.

15 Certainly, if the regulatory uncertainty
16 which continues to swirl around the rule, as evidenced
17 by this latest ambiguous talk by the agency, has
18 dissuaded states from adopting the provision.

19 The large majority of SOCMA members cannot
20 take advantage of the exemptions, even if they wanted
21 to, because they or their counterparties are in states
22 that have not adopted the rule yet.

23 Also, companies planning on using the
24 exemption are no doubt being understandably hesitant
25 out of concern that they will face business

1 disruptions if the exemption is revoked and thus might
2 be less willing to take advantage of the exemption
3 until the rule truly has been finalized.

4 The last issue we wanted to address concerns
5 the legitimacy factors. SOCMA very much opposes EPA's
6 proposal to make all four legitimacy factors
7 mandatory.

8 As we had noted back in 2009, we agree with
9 EPA's original determination in the preamble to the
10 final rule that two factors in question do not
11 necessarily have to be met for the recycling activity
12 to be considered legitimate. Making them mandatory
13 could end a great deal of current recycling.

14 SOCMA had been and remains particularly
15 concerned about the proposed mandatory toxics along
16 for the ride factor.

17 As we had previously noted, it is entirely
18 possible that a product recycled from a secondary
19 material may have impurities that are not present in
20 the same product made from virgin materials,
21 impurities that have absolutely no effect on the
22 product's suitability for use as, for example, an
23 ingredient in another process.

24 There are literally hundreds of Appendix 8
25 constituents, and having to scan for all or some

1 subset of them could easily destroy any value of a
2 recycling process.

3 The proposed changes will not only roll back
4 recycling efforts that were encouraged in the 2008
5 rule, but will also significantly undermine recycling
6 and reuse as it has been practiced since the dawn of
7 RCRA.

8 Under the new proposal, hundreds of
9 materials -- not just solvents, but acids, bases, and
10 other basic chemicals that have been reused under CFR
11 261.2(e) -- now would be subject to the legitimacy
12 factors. And many will fail factor 3 and 4.

13 EPA acknowledges that the proposing
14 structure involving petition process might be
15 burdensome but then proceeds to minimize that concern
16 arguing that the only burden on top of the effort to
17 consider the legitimacy of the recycling would be in
18 the instance where a facility would need to submit a
19 petitioner of a legitimacy variance.

20 SOCMA believes strongly that in many cases
21 it typically won't be worth the effort to required to
22 push each of these streams through the variance
23 process.

24 In the case of smaller streams, it might not
25 even be worth the effort to comply with the

1 notification of recordkeeping requirements.

2 The cumulative impact of this is hard to
3 estimate but could be huge when measured across the
4 thousands of regulated entities.

5 Furthermore, in designing these legitimacy
6 criteria that apply throughout RCRA, the agency
7 contends that it is striving for consistency and
8 cohesiveness and cites its recent identification of
9 nonhazardous secondary materials that are solid waste
10 final rule as justification for making all four
11 factors mandatory.

12 In the meeting with the office of management
13 and budget at the end of July, SOCMA and its coalition
14 partners had argued against this very language. And
15 in fact, in the very next sentence of the preamble,
16 EPA itself refers to the differences in circumstances
17 covered by that rule and this proposed rule, most
18 notably the fact that two different regulatory
19 definitions of solid waste are at issue.

20 There is no need for consistency when the
21 circumstances of the two rules are so very different.
22 Thus, SOCMA believes that the third and fourth
23 legitimacy factors have worked satisfactorily and
24 should remain as such.

25 We also do not think that the petition

1 process is an adequate relief valve or alternative.
2 The burdens, delays, and uncertainty inherent in such
3 a process will squelch recycling and promote continued
4 unsustainable incineration of valuable product.

5 Again, we look forward to submitting more
6 detailed written comments in October.

7 And thank you very much for the opportunity.

8 MS. DEVLIN: Thank you.

9 Ms. Castorina?

10 MS. CASTORINA: Good morning. Stephanie
11 Castorina, C-A-S-T-O-R-I-N-A. I'm the manager of
12 environmental programs at IPC, the Association
13 Connecting Electronics Industries.

14 IPC is a global trade association
15 representing over 2,200 in member companies in the
16 United States. IPC represents all facets of the
17 electronics interconnect industry, including design,
18 printed circuit board manufacturing, and electronics
19 assembly.

20 Printed circuit board and electronics
21 assemblies are used in a variety of electronics
22 devices, including cell phones, computers, pacemakers,
23 automobiles and sophisticated missile defense systems.

24 Although IPC members include electronics
25 giants, 60 percent of IPC members are small

1 businesses. The typical IPC member has 100 employees
2 and a profit margin of less than 4 percent.

3 IPC believes the 2008 DSW rule was an
4 important step towards fully realizing sustainable
5 materials management goals of the EPA. Under the
6 rule, secondary materials would have been increasingly
7 recycled, reclaimed, and otherwise beneficially
8 reused.

9 The rule struck a delicate and appropriate
10 balance between removing regulatory barriers in order
11 to encourage recycling and EPA's mandate to maintain
12 environmental protections.

13 The 2008 DSW rule provided an opportunity
14 for a real benefit to the environment by encouraging
15 the recycling of secondary materials that otherwise
16 would have been land-filled.

17 It is unfortunate that EPA has abandoned
18 the potential environmental benefits of the 2008 DSW
19 rule by proposing to return to a regulatory regime
20 which discourages recycling by saddling secondary
21 materials that are sent for recycling with burdensome
22 RCRA hazardous waste regulations.

23 The provisions of the 2008 DSW rule could
24 still have the potential to provide significant
25 environmental benefits and encourage sustainable

1 materials management.

2 We believe that EPA should not entertain
3 additional provisions that would discourage the
4 recycling of secondary materials.

5 Although there are a number of materials
6 that would be recycled under the transfer base
7 provisions of the 2008 DSW rule, I'd like to use the
8 remainder of my time today to focus on one particular
9 waste stream from the manufacturer of electronics.

10 Copper sludge created through the treatment
11 of wastewater from the electroplating of printed
12 circuit boards and other items is one of the high-
13 value secondary materials that would more commonly be
14 recycled under the provisions of the 2008 DSW rule.

15 This sludge often contains metals at a
16 concentration that is significantly higher than that
17 occurring in nature. For example, copper ore normally
18 contains less than 1 percent copper, whereas copper
19 sludge from the printed circuit board industry
20 averages 10 to 15 percent copper.

21 According to EPA's 1998 Common Sense
22 Initiative F006 Benchmarking Study, electroplating
23 wastewater treatment sludge represents one of the
24 largest sources of untapped metal bearing secondary
25 materials in the United States.

1 As a result of the cost of reclamation under
2 RCRA hazardous waste regulations, landfills have been
3 the dominant choice for final disposal of
4 electroplating sludge, wasting valuable resources.

5 For over a decade, EPA has acknowledged the
6 importance of changing the regulatory regime for
7 electroplating sludge.

8 In 2007, EPA submitted to the Office of
9 Management and Budget a draft rule that would have
10 exempted the material from RCRA hazardous waste
11 regulations if reclaimed. Later that same year, EPA
12 withdrew the rule, the draft rule, in order to include
13 electroplating sludge reclamation in the pending DSW
14 rule.

15 Unfortunately, due to doubt surrounding the
16 implementation of the DSW rule, little has changed
17 regarding the reclamation of electroplating sludge.

18 The 2011 proposed rule removes the transfer-
19 based exclusion which would severely discourage the
20 reclamation of electroplating sludge. EPA should
21 strongly consider a remanufacturing exclusion for
22 electroplating sludge in order to ensure the benefits
23 of reclaiming this high-value material are seen.

24 The transfer-based exclusion in the 2008 DSW
25 rule would empower the marketplace to create new and

1 cost-effective recycling options that produced a
2 win/win situation of reducing the mining of virgin
3 metals and saving money.

4 Under the 2011 proposed restrictions, only
5 heavily regulated RCRA treatment storage and disposal
6 facilities would be allowed to recycle secondary
7 materials such as electroplating sludge. The cost to
8 be a TSDF are extremely high. And therefore, companies
9 are discouraged from becoming a TSDF.

10 In early 2011 a recycling facility in
11 Arizona stopped reclaiming electroplating sludge due
12 to burdensome and costly regulations associated with
13 being a TSDF. This facility was the last U.S.-based
14 recycler that accepted electroplating sludge for
15 reclamation.

16 Currently there is one facility in Canada
17 while the majority of facilities are located in China,
18 Europe, and Mexico.

19 Removing regulatory barriers to recycle will
20 encourage facilities in the U.S. to recycle high-value
21 materials, leading to reduced recycling costs and an
22 increase in materials recycled.

23 IPC believes that with the 2008 DSW rule,
24 EPA has taken an important step towards realizing --
25 towards relieving -- sorry -- unnecessary regulatory

1 burdens on the manufacturing sector while at the same
2 time referring -- furthering its mission of protecting
3 the environment and human health by encouraging
4 increased recycling.

5 Reversing or severely restricting the
6 provisions of the 2008 DSW rule that encourage
7 recycling would be detrimental to industry and to the
8 environment.

9 We urge EPA to realize the benefits of
10 reclaiming high-value materials, such as
11 electroplating sludge and other metal bearing
12 hazardous secondary materials outside RCRA hazardous
13 waste regulations.

14 EPA should classify electroplating sludge
15 and other metal-bearing secondary materials as high-
16 value materials that qualify for an exemption under
17 DSW.

18 Thank you for your time this morning.

19 MS. DEVLIN: Thank you.

20 Ms. Mendez, quickly.

21 MR. MENDEZ-QUIGLEY: Thank you for the
22 opportunity to speak. My name is Teresa Mendez-
23 Quigley, M-E-N-D-E-Z, hyphen, Q-U-I-G-L-E-Y.

24 I'm here today representing Physicians for
25 Social Responsibility of Philadelphia, a public health

1 nonprofit organization that mobilizes individuals,
2 health professionals, and community organizations to
3 promote nonviolence, to safeguard the environment, and
4 to ensure universal access to healthcare.

5 As part of our mission indicates, Physicians
6 for Social Responsibility aims to safeguard the
7 environment, recognizing that what we do to the
8 environment can cause harm to both people and the
9 planet.

10 We know that it is not possible to have
11 healthy people living in a toxic world. We also know
12 that everyone pays for the egregious assaults on the
13 health of people, and we currently struggle as a
14 society to provide adequate healthcare for all because
15 of escalating costs.

16 We recognize and applaud the thousands of
17 businesses in Pennsylvania and throughout the country
18 that provide jobs to Pennsylvania and Americans while
19 also ensuring that they do not pollute the environment
20 in which we live, breathe, work, play, and learn.

21 We believe that the majority of businesses
22 do not willingly pollute the land, air, or waters of
23 our country.

24 We do need -- we do need businesses to
25 understand that environmental harm is harmful to

1 people -- especially workers and their families and
2 their communities -- and also harmful to the economic
3 well-being of our states.

4 The proposed EPA safeguards for hazardous
5 secondary materials recycling is designed not to
6 penalize businesses or cause financial hardship to
7 employers, but meant to protect the public's health
8 and the environment.

9 The proposal modifies EPA's 2008 definition
10 of solid waste rule which revised hazardous waste
11 regulations to encourage recycling of hazardous
12 secondary materials.

13 In 2009, Physicians for Social
14 Responsibility representing 31 chapters throughout the
15 United States, composed of doctors, nurses, public,
16 health experts, and other medical and public health
17 professionals, and over 60 student chapters at medical
18 and public health schools throughout the country, and
19 over 25,000 e-activist members submitted written
20 comments on the EPA revisions to the definition of
21 solid waste under Subtitle C of the Resource
22 Conservation Recovery Act, RCRA.

23 Physicians for Social Responsibility asked
24 the EPA to withdraw the rule of the severely reduced
25 oversight of hazardous wastes reportedly designed for

1 recycling by reclamation.

2 We were disheartened to learn that the EPA
3 did not withdraw that rule.

4 The EPA's 2008 DSW rule exempted 1.5 million
5 tons of hazardous waste from the RCRA protective
6 cradle-to-grave management system and threatened to
7 excuse thousands of companies from complying with
8 longstanding regulations that protect human health and
9 the environment.

10 Under the rule, unlicensed and barely
11 supervised companies handled hazardous industrial
12 waste under very general, nonspecific hazards
13 standards. Many of these wastes are highly flammable,
14 explosive, and corrosive and contain dangerous
15 chemicals known to cause many serious illnesses.

16 The rule significantly increased the threat
17 of fire or toxic exposure for many minority and low-
18 income communities who live near the 52 industrial
19 facilities that are already operating under the
20 exception and are thus free to generate, store, and
21 recycle these dangerous substances without permits,
22 specific protective performance standards, or adequate
23 oversight.

24 The EPA has already identified 218 cases of
25 serious contamination of air, water, and soil from

1 unsafe hazardous waste recycling in the 2007 EPA
2 environmental problems study. Of the 218 cases,
3 practically all occurred in the facilities that were
4 not subject to RCRA permits and therefore were exempt
5 from RCRA's strict oversight.

6 In contrast, only 4 percent of these cases
7 occurred at facilities controlled by RCRA that set
8 stringent standards for storage, transport, treatment,
9 and disposal.

10 Thus it is clear that strict oversight of
11 the high-risk activity is absolutely crucial.

12 The 2008 DSW rule opened up loopholes that
13 could increase the public's exposure to toxic
14 chemicals and result in serious adverse health
15 effects, increased medical expenditures, and the need
16 for expensive cleanups.

17 Therefore, we support the EPA's efforts with
18 the 2011 proposed rule to end the transfer-based
19 exclusion and to amend the generator-controlled
20 exclusion for hazardous waste recycling.

21 While off-site recycling is clearly a
22 hazardous activity that should be subject to specific
23 stringent standards and EPA permitting and oversight,
24 on-site hazardous waste recycling by generators also
25 poses substantial risks that should be subject to the

1 same specific standards and permitting requirements as
2 applied before promulgation of the new rule.

3 While closing some exemptions, however, EPA
4 must not open new loopholes through which hazardous
5 waste recyclers can escape cradle-to-grave controls.
6 The so-called remanufacturing exclusion included in
7 the proposed rule would exclude 18 solvents from
8 regulation with toxic components. Should these
9 solvents find their way into groundwater, soil, or
10 water, the health effects could overburden already
11 overburdened low-income and minority communities.

12 As an alternative to a blanket exception for
13 these solvents, EPA could ask the recycling to
14 petition for an exemption in a much safer rule -- or
15 route that could still allow for the greenhouse gas
16 benefits for which the remanufacturing exclusion was
17 written.

18 Physicians for Social Responsibility
19 applauds the EPA's proposed rule that would restore
20 federal oversight of hazardous waste recycling and
21 help to safeguard public health and the environment.

22 Its analysis on the impacts of low-income
23 and minority communities endangered by the 2008
24 definition is one step toward recognizing that we all
25 need protections from exposure to hazardous waste

1 recycling, especially impact the communities that
2 carry most of the burden -- most of the burden of
3 these exposures.

4 We also request that the EPA not incorporate
5 any proposed alternative for streamlining the
6 standards for storage -- for storage of such waste
7 that are vague and lax.

8 Physicians for Social Responsibility is here
9 today to support the EPA's proposed changes to the DSW
10 rule. No one wins when we harm the environment and
11 consequently peoples' health.

12 Most of us can agree that all parties --
13 businesses, workers, family, healthcare professionals
14 -- can win by having healthy people living healthy
15 lives in healthy toxic-free communities.

16 Thank you.

17 MS. DEVLIN: Thank you.

18 Mr. Tittel.

19 MR. TITTEL: Jeff Tittel. Director, New
20 Jersey Chapter Sierra Club. I'm here representing not
21 only the New Jersey chapter but the Sierra Club
22 overall. It will have other people speak later. We
23 are the nation's oldest and largest conservation group
24 with about 1.2 million members across the country.

25 But I'm here to talk about the Sierra Club

1 members and all the people in the region who live near
2 many of these hazardous sites. There are more than
3 200 in this region, 65 of them in New Jersey alone.

4 We know that most of those sites are in
5 places like Camden and Newark and Middlesex Borough,
6 and usually older industrial or rural poor
7 communities, usually communities of low income and
8 high cancer rates, usually communities that have seen
9 a disproportionate share of pollution over the years.

10 We also, being from New Jersey, believe when
11 the Bush Administration put the loophole in, that it
12 did a disservice not only to the recyclers of metals,
13 which we think is a good thing, but to the people of
14 the United States because the addition of 1.5 million
15 tons of hazardous materials.

16 We also know being from New Jersey that when
17 you deregulate and you put in loopholes into solid
18 waste rules, there are or can be serious problems. We
19 are from New Jersey; we do deal with solid waste. You
20 know, we kiddingly call ourselves nationally the
21 Soprano Chapter and there's a nice book called the
22 Soprano State.

23 In dealing in solid waste and hazardous
24 waste in New Jersey for more than 35 years, I can tell
25 you when there is not proper oversight and when there

1 are not strong rules, there are serious problems.

2 I was firsthand involved many years ago with
3 something called chemical control in the City of
4 Elizabeth and the burning of hazardous waste at that
5 site.

6 I've been involved with recycling centers
7 that were nothing more than garage dumps that created
8 fires under Route 78.

9 I've been involved with recycling centers
10 that have not properly functioned in our state and
11 have been subject to many fines and violations.

12 So when you do not have proper oversight, we
13 have seen firsthand all types of chemicals getting out
14 into the environment.

15 We also work with some very good companies
16 who do a great job who really protect the environment
17 and the communities around them and know how to handle
18 hazardous waste and work really hard to make sure that
19 when they do recycling, that they are protecting their
20 workers and the community around them. So we see both
21 sides. And we believe that these rules are a major
22 step in the right direction.

23 Sierra club had gone to court against the
24 old 2008 rules, and we believe that these rules move
25 in the right direction.

1 However, we also want to make sure that
2 we're not adding more exemptions and loopholes to
3 these rules.

4 We're also very concerned about the whole
5 exemption for certain solvents. We believe that they
6 should be developing closed-loop systems for those
7 solvents and not loopholes.

8 We believe, quite frankly, that there are
9 better ways to reuse and reduce those chemicals than
10 to have them being exempted.

11 We also believe that you have to have
12 cradle-to-grave regulations in place for these types
13 of materials, and that we should not allow any of
14 these materials to go off to incinerators, because
15 they end up into the environment and they end coming
16 back into those same communities.

17 We know from your own studies that
18 environmental justice communities -- and you know, we
19 use that term, quite frankly, I think, in a way that
20 does a disservice because it's not justice. These
21 comments have not seen justice. We hope that those
22 will bring some justice to these communities.

23 As someone who grew up in the city of
24 Newark, in Hillside, and older industrial towns, I can
25 tell you that when they stick incinerators or when

1 they stick recycling centers or power lines or gas
2 substations or whatever it is, it's in those
3 communities.

4 We don't have battles over recycling centers
5 or solid waste facilities in places like Millburn and
6 Haddon, but we have them in places like Newark and
7 Jersey City and Millville and those communities.

8 And that's the concern that we have, that
9 not only are these facilities in these communities,
10 but the communities have no participation in what's
11 happening within those communities.

12 We believe that these rules need to be
13 transparent. They need to be open and there needs to
14 be a public process that brings in that community, not
15 only in making sure that those facilities are safe,
16 but also dealing with issues like transportation
17 egress and ingress.

18 We've seen in many cases, you know, truck
19 after truck going past schools or going through
20 communities and neighborhoods with a lot of children
21 in them. And so transportation and the pollution from
22 the transportation should also be included in any
23 final rule.

24 And we believe that, again, the people in
25 New Jersey in particular and nationally, you know,

1 support recycling but want to make sure it's done
2 right and it's done in a way that doesn't end up
3 hurting their communities.

4 We believe that also we need to strengthen
5 the releases of hazardous waste during storage and the
6 process itself by generators. We believe that no
7 hazardous materials are allowed to escape or be
8 discharged during that process, that we do a better
9 job dealing with stormwater and other things from
10 those sites. And we must remove the exemption for
11 tolling contractors.

12 We believe that there needs to be a robust
13 notification, containment, and involvement of the
14 communities. Otherwise, this rule will be a decent
15 rule but won't do the job.

16 And most importantly, we believe that there
17 should be no more further weakenings and no more
18 exemptions given to this rule.

19 There are too many people across this is
20 country who are impacted by these facilities and we
21 want to make sure that we do recycling, but we do it
22 right and that we do it in a way that doesn't cause
23 environmental problems to communities that already
24 have an overburden of health and environmental
25 problems.

1 Thank you very much.

2 MS. DEVLIN: Thank you.

3 Mr. Cutler.

4 MR. CUTLER: Thank you. My name is Adam
5 Cutler, C-U-T-L-E-R. I'm the director of the Public
6 Health and Environmental Justice Law Project at the
7 Law Center of Philadelphia.

8 Thank you for the opportunity to testify
9 concerning the EPA's proposal to modify the 2008
10 definition of solid waste rule to create important new
11 safeguards for the recycling of hazardous materials.

12 The Public Health and Environmental Justice
13 Law Project provides legal services to EJ communities
14 in Pennsylvania, primarily in and around Philadelphia.
15 The Project works closely with communities where
16 residents, mostly of color or poor or both, suffer
17 disproportionately from adverse health effects
18 associated with pollution.

19 Some of the EJ communities we work with,
20 like the City of Chester in Delaware County,
21 Pennsylvania, or the neighborhood of the Hunting Park
22 in north Philadelphia, are located in close proximity
23 to facilities that are eligible to take advantage of
24 the exemptions and exclusions offered under the 2008
25 DSW rule. Our local communities, therefore, are

1 acutely affected by the very industry that would
2 receive more oversight under this proposed rule.

3 My comments today are not made on behalf of
4 any particular client group or community. They are,
5 however, rooted in the work I do with environmental
6 justice communities. I will provide more detailed
7 comments on the agency's proposal during the written
8 comment period.

9 But I speak today in general support of the
10 proposed rule. Also, though, to remind the agency of
11 its obligations to EJ communities in light of the
12 finding of the peer-reviewed EJ analysis of the 2008
13 rule and the obligations under Executive Order 12898
14 and to urge the agency to finalize the proposed rule
15 without accepting modifications that would weaken the
16 rule after strengthening the proposed rule in several
17 other respects.

18 The reversal of the pernicious effects of
19 the 2008 rule is long overdue and the Law Center
20 applauds the EPA for undertaking this rule-making and
21 the historic and comprehensive environmental justice
22 analysis of the 2008 rule, which was designed to be
23 based on sound science and was thoroughly peer-
24 reviewed.

25 About 1.8 million tons of hazardous waste

1 are recycled annually in the U.S. and much of those
2 activities fall under broad exemptions from RCRA's
3 hazardous waste requirements. The proposed rule could
4 bring approximately 9,000 facilities under the
5 umbrella of improved federal oversight.

6 The majority of hazardous waste facilities
7 are located in low-income communities and communities
8 of color. They handle dangerous materials that include
9 solvents like benzene, toluene, TCE, and perchlorate,
10 which cause cancer, birth defects, and immune
11 disorders, as well as metals like lead, hexavalent
12 chromium, mercury, and arsenic, which are potent
13 neurotoxins and carcinogens.

14 These materials are no less hazardous to
15 human health and the environment when they are being
16 reclaimed than they are when being discarded. There
17 is no good reason that facilities that recycle these
18 hazardous materials should be excluded or exempted
19 from federal oversight.

20 EPA has documented over 200 damage cases of
21 sites contaminated by hazardous waste recycling. At
22 these facilities, air, groundwater, soils, and surface
23 waters were contaminated requiring state or federal
24 cleanups and in some cases Superfund designation.
25 Over half of these sites, according to EPA, were

1 associated with an existing recycling exclusion or
2 exemption from hazardous waste regulations.

3 Critically, according to EPA's draft EJ
4 methodology document, 74 percent of these damage cases
5 between 1982 and 2005 occurred due to the
6 mismanagement of recyclables. Stricter federal
7 oversight would have avoided that shameful history and
8 EPA now has the opportunity to make things right.

9 The peer-reviewed EJ analysis looked at the
10 existing 2008 DSW rule, which is already in effect in
11 six states, including New Jersey and here in
12 Pennsylvania. The EJ analysis found statistically
13 significant evidence that, one, facilities already
14 operating under the 2008 exemptions in New Jersey and
15 Pennsylvania are located in communities with a higher
16 percentage of people of color than state averages.

17 Further, in Pennsylvania a higher percentage
18 of people living below the federal poverty level are
19 also living near these hazardous waste recycling
20 facilities.

21 Two, damage cases were consistently located
22 in communities of color and low-income communities.

23 Three, EJ communities also tend to have the
24 highest population density. As a result, the
25 nationwide populations facing threats of toxic

1 exposures from hazardous waste recycling facilities
2 are disproportionately low income and
3 disproportionately nonwhite.

4 The 2008 DSW rule eliminated opportunities
5 for public participation in siting and permitting
6 decisions that exist under federal hazardous waste
7 regulations.

8 And fifth, that facilities exempt from
9 federal oversight under the 2008 rule tend to be
10 located in areas that face exposure to cumulative
11 impacts of multiple environmental hazards. These
12 communities are already in poor health from
13 environmental exposures as evidenced by high cancer
14 rates and high neurological hazard rates.

15 Executive order 12898 requires EPA to act on
16 the findings of this peer-reviewed EJ analysis and
17 address the disparate impacts that are already being
18 visited upon these communities under the 2008 rule.

19 Because the EJ analysis found that the
20 transfer-based exclusion and other regulatory gaps
21 created by the 2008 rule caused disparate impacts in
22 communities of color, EPA must now act to close those
23 loopholes by finalizing the improvements embodied in
24 the proposed 2011 DSW rule.

25 The proposed rule would establish

1 enforceable permitting standards for hazardous waste
2 recycling facilities and provide communities to
3 participate meaningfully and demand protection from
4 these dangerous activities being conducted in their
5 neighborhoods.

6 By requiring transparency and recording
7 under the rule, communities will benefit, as their
8 right to know the quantity and identity of hazardous
9 waste being used and reclaimed in their neighborhoods
10 is vindicated.

11 Public notification and documentation of
12 compliance with speculative accumulation limit is
13 critical to this effort.

14 Requiring safety standards and manifests in
15 the transport of hazardous waste designed for
16 recycling and the regular inspection of hazardous
17 waste recycling facilities likewise helps communities
18 vindicate their right to know and importantly their
19 ability to identify facilities that are not complying
20 with all required safeguards and hold them
21 accountable.

22 Further, communities will benefit from the
23 rules' efforts and prohibit sham recycling through the
24 mandatory use of all four of the EPA's proposed
25 legitimacy criteria.

1 In finalizing the proposed rule however, EPA
2 must ensure two things: First, it must stand strongly
3 against efforts to weaken the protections of public
4 health and the environment that the rule is designed
5 to achieve.

6 And second, EPA must strengthen the rule to
7 extend robust standards for notification, containment,
8 and recordkeeping to 32 additional hazardous recycling
9 activities that have historically caused substantial
10 environmental damages, often to EJ communities.

11 Some in the hazardous waste recycling
12 industry have urged -- and EPA in the processed rule
13 has suggested -- ways that the hazardous waste
14 recycling standards could be streamlined.

15 In finalizing the rule, EPA should resist
16 these efforts to reduce or eliminate standards for the
17 storage of hazardous waste to remove manifest
18 requirements for transporting hazardous materials to
19 eliminate reporting requirements or to eliminate
20 operating safeguards at hazardous waste recycling
21 facilities, such as personnel training, contingency
22 plans, and emergency procedures.

23 The ongoing health risk to communities, and
24 particularly EJ communities living near hazardous
25 waste facilities, is too high to allow the elimination

1 or relaxation of any of the proposed rule standards.
2 While resisting efforts to weaken the proposed rule,
3 EPA must also recognize that the rule as proposed must
4 be strengthened.

5 The EPA must clarify the definition of
6 containment in the rule by applying existing standards
7 for hazardous waste storage facilities so that the
8 rule's lack of any specific requirements for storage
9 and approved containers does not leave significant
10 safety gaps and difficulties in enforcement.

11 Second, the definition of containment must
12 be amended to prevent dangerous releases in the first
13 case rather than continuing existing exclusions many
14 hazardous secondary materials, even after an actual
15 release from the definition of waste.

16 Third, the EPA should define release with
17 greater clarity to ensure that even trace amounts of
18 hazardous substances, such as through stormwater
19 runoff, are considered illegal releases from storage
20 units.

21 Fourth, the EPA must remove the exemption
22 that allows off-site transport of unlimited amounts of
23 hazardous materials anywhere the country without
24 permits or even manifest to document the activity.

25 And fifth, EPA must eliminate land-based

1 storage of hazardous waste and surface impoundments or
2 waste piles prior to recycling, because a proposal
3 that lacks any standards for land-based storage the
4 practice, if left unchecked, will continue to create
5 grave risks of releases of hazardous waste to air,
6 soil, and water.

7 As the EPA's EJ analysis illustrates, EJ
8 communities will be impacted disproportionately by the
9 risks of contamination in land-based storage, and for
10 that reason, among many others, the practice must be
11 eliminated.

12 Again, I commend the EPA for the careful and
13 the methodical approach it has taken in analyzing the
14 impacts of the existing 2008 DSW rule on EJ
15 communities and in crafting the proposed 2011 DSW rule
16 to correct many of the flaws of the predecessor rule.

17 EPA must now act promptly to strengthen and
18 then finalize the proposed rule so that all Americans,
19 whether they live in vulnerable communities of color
20 and of poverty or in more affluent suburbia, can once
21 and for all enjoy the hazardous waste protections
22 mandated under
23 RCRA.

24 Thank you for the opportunity to comment.

25 MS. DEVLIN: Thank you.

1 Mr. Steed, please.

2 MR. STEED: Hello. Thank you for the
3 opportunity to speak in favor of robust oversight of
4 the solid waste recycling industry.

5 My name is John Steed, J-O-H-N, S-T-E-E-D.

6 I'm an intern at the Public Interest Law
7 Center of Philadelphia. I'm also a law student and a
8 father. And trying to raise a four-year-old while in
9 law school has been a real blessing to me, because at
10 the same time I've been learning to think like a
11 lawyer where the focus can be too much on whether
12 something is legally permissible, not whether it's
13 just.

14 I've been also working to raise a child who
15 knows right from wrong. So it's real basic things.
16 If you make a mess, clean it up. Don't hurt other
17 people. And, you know, be careful with that stick,
18 you're going to hurt somebody.

19 So I was really proud the other day when we
20 were walking along the street and she pointed
21 accusingly at a soda bottle someone had thrown on the
22 ground and just angry as could be, she ran over it to
23 and said "Litter, it's litter. I hate litter." And
24 she picked it up. And then half accusingly and half
25 questioningly she said, "Grownups do it. They know

1 better."

2 To me, that's in a nutshell. It really
3 doesn't matter that litter doesn't hurt anybody that
4 badly. It doesn't matter in my nice neighborhood
5 there are people who come around every few days and
6 pick it up. What matters is that grownups do it and
7 they know better.

8 It's just wrong. It's not fair to listen to
9 a four-year-old, or a city worker to pick it up, when
10 they just couldn't be bothered to take care of it
11 properly.

12 So I'd like to keep this very simple, even
13 sort of childish sense of right and wrong in mind as I
14 move to the topic at hand.

15 Because what industry says about these
16 regulations is true. It's going to cost more if
17 stricter rules are passed. Cost will go up if they
18 have to be more careful with dangerous things.

19 They're going to have to work to make sure
20 that hazardous materials are safely contained.

21 They're going have to show that transported
22 waste actually arrived at its destination.

23 And they're going to have to submit
24 themselves to public scrutiny to ensure that they're
25 doing what they're supposed to be doing to protect the

1 people of this country.

2 And Sierra Club and other environmental
3 organizations are right too. If regulations aren't
4 tightened, the number of contaminated hazardous waste
5 recycling sites, over 200 at the last count, will keep
6 rising. And more people will be exposed to benzene
7 and perchlorate and other toxics and they will be
8 greater instances of cancer, birth defects, and immune
9 diseases because of it, and more lead and mercury and
10 arsenic would be released, impairing children's
11 development and stifling their potentials.

12 As regulators, I think you're often in a
13 position of deciding, you know, how to balance the
14 economic burdens of regulation on one hand -- losses
15 to investors, increased cost to consumers, and just
16 the general growth of a regulatory apparatus -- on the
17 one hand, against the harms of not acting as
18 aggressively -- shorter lives, more cancer, dirtier
19 air -- on the other.

20 I would put the issue to you not as a
21 balancing between these competing interests but with a
22 really simple question: Who should pay?

23 Because if industry doesn't pay with
24 increased time, effort, and care, the people in the
25 poorest and least empowered communities around us will

1 pay.

2 They'll pay as they're home sick, missing
3 work or school. They'll pay as they sit in hospital
4 beds holding their mothers' or their brothers' hands,
5 and they'll pay with their good health and their
6 children's futures. And why should they pay?

7 Industry derives the benefits. They make
8 money dealing with society's waste and it's a valuable
9 service. And I don't fault them for their
10 livelihoods. But they derive the benefit, so they
11 should incur the costs. If they make a mess, they
12 should clean it up. They shouldn't hurt other people.
13 And they should be very, very careful with sticks
14 because it's going to hurt somebody.

15 Thank you.

16 MS. DEVLIN: Thank you.

17 I'm going to go ahead to the people who
18 signed up this morning to speak, because I think we've
19 covered all of our preregistered speakers for this
20 morning.

21 Mr. Kopik or Kopec.

22 MR. KOPEC: Excuse me. I have a cold coming
23 on, so I'll work through that.

24 Good morning. My name is Ted Kopec, K-O-P-
25 E-C. I'm currently a student at the Earle Mack School

1 of Law and an intern with the Public Health and
2 Environmental Law Clinic at the Public Interest Law
3 Center of Philadelphia.

4 Thank you for the opportunity to testify
5 today concerning EPA's proposed revision of the
6 definition of solid waste rule which would strengthen
7 regulation and oversight on those who recycle
8 hazardous and solid wastes.

9 The EPA has already found through its own
10 environmental justice analysis study that cases where
11 toxic releases have occurred in the past, so-called
12 "damage cases," are consistently located in
13 communities of color and low-income communities.

14 55.8 percent of them are cited in
15 communities with more people of color than the
16 relevant statewide average and 69 percent have higher
17 low-income representation than the statewide average.
18 The location of these damage cases naturally coincides
19 with the location of the facilities themselves.

20 When Congress first enacted 42 U.S.C. 6901,
21 it was with the intent to protect the overall
22 environment, including those individuals who resided
23 near these facilities. It is logical to conclude that
24 when we weaken regulations designed to control those
25 whose deal in solid waste management, the risk of

1 these damage cases increases. And that risk is placed
2 unfairly on the shoulders of such communities as the
3 one, for example, in Chester, Pennsylvania.

4 PILCOP has had a long relationship with the
5 residents of Chester, working with them to improve the
6 environmental conditions that exist within their
7 community. However, such efforts would be greatly
8 damaged if the current regulations were not greatly
9 strengthened.

10 For example, one of the prominent sites in
11 Chester is located at Jeffrey Street and Delaware
12 Avenue. The site was formally owned by PECO Energy
13 Company and it's 90 acres bordering the Delaware
14 River.

15 Prior uses included coal-fired electricity
16 generation, coke and steel production, industrial
17 chemical and resin manufacturing, but most
18 importantly, hazardous waste recycling.

19 And under those rules, and following the
20 cleanup of a badly contaminated 17-acre section of the
21 property in 2001, private developers have since
22 converted the site for a commercial and residential
23 use.

24 Such efforts are a step forward to bringing
25 greater environmental justice to areas such as Chester

1 but will be infinitely more difficult and yield less
2 results if the regulations needed to keep these areas
3 safe, while the hazardous waste recycling continues,
4 are not as strong as they should be.

5 I therefore urge the EPA to adopt the
6 stronger regulations considered to reduce the threat
7 of the harms caused by solid waste recycling.

8 And I thank you again for the opportunity to
9 comment.

10 MS. DEVLIN: Thank you.

11 Mr. Walker.

12 MR. WALKER: My name is Matt Walker, W-A-L-
13 K-E-R. I'm the community outreach associate with the
14 Clean Air Council.

15 On behalf of the Clean Air Council, I want
16 to thank the U.S. EPA for the opportunity to comment
17 on its proposed rule concerning the definition of
18 solid waste.

19 The Clean Air Council is a nonprofit
20 environmental and public health advocacy organization
21 that seeks to protect everyone's right to breathe
22 clean air. The Council was incorporated in 1967 and
23 operates in Pennsylvania, Delaware and New Jersey.

24 The purpose of my testimony today is
25 twofold. First, I strongly support EPA's proposed

1 rule restoring federal oversight of hazardous waste
2 recycling. And I urge the EPA to strengthen and
3 clarify standards in order to prevent harm to human
4 health and the environment.

5 Second, I support the EPA's environmental
6 justice analysis, the proposed rule and the
7 consideration of how hazardous waste facilities have a
8 disproportionate impact on low-income communities and
9 communities of color.

10 First, as a resident of the Philadelphia
11 area, I'm personally concerned about the grave threats
12 to my community posed by hazardous wastes recycling.

13 The EPA has documented over 200 sites
14 contaminated by hazardous waste recycling where air,
15 groundwater, soil, and surface water were contaminated
16 by highly dangerous substances during hazardous waste
17 recycling operations.

18 These cleanups required federal and state
19 support often under Superfund authority. At a time of
20 such economic turmoil, it is troubling to know that
21 the average annual cost of cleaning up contamination
22 caused by this hazardous recycling is \$86 million.

23 I urge the EPA to close the gaps in the 2008
24 DSW rule so that communities can be protected from
25 hazardous materials. The EPA must require permitting

1 for all hazardous waste recycling activities. This
2 requirement will allow community members to
3 participate in making decisions about dangerous
4 activities that affect their lives. The EPA should
5 also require transparency and reporting as part of
6 this rule.

7 I have the right to know the quantity and
8 identity of hazardous waste that is stored and
9 recycled in my community and what safeguards are being
10 taken to prevent releases.

11 Further, the EPA must ensure that inspection
12 occurs with sufficient frequency to make sure that
13 hazardous waste generators and recyclers are complying
14 with all required safeguards.

15 Second, the EPA must consider environmental
16 justice in the promulgation of this rule. Cases where
17 toxic releases have occurred in the past are
18 consistently located in communities of color and low-
19 income communities. Facilities located in
20 environmental justice communities are usually in the
21 densest communities.

22 Therefore, the total population nationwide
23 facing the threat of toxic exposure is
24 disproportionately low income and nonwhite.

25 Ultimately, this rule is about protecting

1 public health and the environment. I'm hopeful that
2 the EPA will take the necessary steps to protect my
3 health and those that are most vulnerable and
4 disadvantaged.

5 Thank you again for this opportunity to
6 testify. The Council reserves its rights to provide
7 more complete comments during the open comment period.

8 Thank you.

9 MS. DEVLIN: Thank you.

10 Mr. Krier.

11 MR. KRIER: Good morning. My name is Brian
12 Krier, K-R-I-E-R. I'm a third-year law student at the
13 Drexel University Earle Mack School of Law and a
14 participant in the Public Health and Environmental Law
15 Field clinic at the Public Interest Law Center in
16 Philadelphia.

17 I would like to thank the EPA for the
18 opportunity to comment in support of the EPA's
19 definition as it is a large step in the right
20 direction towards repairing the critical public health
21 and environmental protections damaged by the 2008
22 rule.

23 However, while I support the proposed rule,
24 I urge that the EPA take further action to remove the
25 broad exclusions for generators and recyclers of

1 hazardous secondary materials and strengthen the
2 containment, notification, and recordkeeping standards
3 for these -- for these entities to be consistent with
4 RCRA's Subtitle C Hazardous Waste Regulations.

5 First, the 2008 DSW rule is inconsistent
6 with the legislative findings and broad policy
7 objective declared by Congress when enacting RCRA in
8 1976 to protect human health and the environment.

9 Second, the proposed DSW rule must ensure
10 that low-income and minority communities are not
11 subject to disproportionately adverse health risks as
12 a result of these lax regulatory standards.

13 When RCRA was enacted, Congress recognized
14 with respect to the environment and health that
15 disposal of solid waste and hazardous waste in or on
16 the land without careful planning and management can
17 present a danger to human health and the environment.

18 Accordingly, Congress declared the policy of
19 the United States to promote the protection of health
20 and the environment by assuring that hazardous waste
21 management practices are conducted in a manner which
22 protects human health and the environment.

23 The 2008 DSW rule is inconsistent with
24 Congress's explicit declaration that careful,
25 responsible waste management is necessary for the

1 protection of public health and the environment.

2 By excluding broad categories of materials
3 and activities from the Subtitle C program, the 2008
4 rule fails to ensure that the public health is
5 protected from a generation storage and recycling of
6 hazardous materials. In particular, the containment
7 provision needs careful examination and revision.

8 As it is currently enacted in the CFR, the
9 bare requirement that the material be contained lacks
10 any standards whatsoever to ensure that hazardous
11 materials are not released into the environment prior
12 to transport or recycling.

13 Without any preventative standards governing
14 the storage of such hazardous materials, the bare
15 assertion that the material be contained seemingly
16 falls short of RCRA's overarching goal of protecting
17 health and the environment through responsible
18 hazardous waste management.

19 Such a broad exclusion from RCRA Subtitle C
20 regulations subjects both the public and general and,
21 in particular, low-income and minority communities to
22 increased risk of harm, a disparity that the EPA has
23 explicitly recognized in its own environmental justice
24 analysis of the 2008 rule.

25 For example, the EPA has found that

1 facilities in Pennsylvania, New Jersey, and Iowa
2 already operating under the current 2008 DSW exemption
3 are located in areas with higher percentages of low-
4 income and minority populations.

5 In addition, the EPA has also found that
6 general toxic releases in damage cases have occurred
7 disproportionately in these underrepresented
8 communities.

9 These disparities are consistent with
10 historical trends suggesting that the effects of lax
11 regulation of polluting activities tend to fall
12 particularly hard on those communities and those
13 segments of the public that are economically and
14 politically disadvantaged.

15 Therefore, a requirement as for lax of the
16 current containment rule -- it fails to address the
17 disproportionate risk of toxic releases in low-income
18 and minority communities -- only perpetuate this
19 historical trend that undermines basic principles of
20 fairness, equality, and justice.

21 The containment provision must be amended to
22 ensure that the standards for storage prior and during
23 recycling are identical to the standards at treatment,
24 storage, and disposal facilities.

25 This is particularly reasonable in light of

1 EPA's own conclusion that many reclamation activities
2 actually do involve the discard of hazardous
3 materials, putting these activities well within the
4 statutory definition of hazardous waste and within the
5 purview of Subtitle C regulation.

6 As the EPA has recognized, notification
7 prior to operating under the exclusion and enhanced
8 recordkeeping requirements are necessary to the full
9 operation of the RCRA program.

10 Only when these regulations are consistent
11 with the Subtitle C hazardous waste program will the
12 law truly achieve the policy objectives as declared by
13 Congress when enacting RCRA in 1976 in order to
14 protect public health and the environment from
15 irresponsible waste disposal practices.

16 In conclusion, while the proposed rule's a
17 step in the right direction, more progress must be
18 made to ensure that the critical policy objectives of
19 RCRA are given the full force of law and the
20 principles in environmental justice are achieved.

21 I would like to thank EPA again for
22 soliciting public comments and allowing me the
23 opportunity to lend my support to the proposed rule.

24 Thank you.

25 MS. DEVLIN: Thank you.

1 Mr. Winget.

2 MR. WINGET: Hello again. Good morning.

3 Thank you for the opportunity to speak. My name is
4 Brendan Winget, W-I-N-G-E-T. I am a third-year
5 student at Drexel University's Earle Mack School of
6 Law. And I work in the Public Health Health
7 Environmental Law Field Clinic at the Public Law
8 Center of Philadelphia.

9 Pennsylvania citizens, particularly people
10 of color and those with low incomes, have suffered
11 from exposure to hazardous waste since long before the
12 previous administration weakened oversight of the
13 hazardous waste recycling industry through the
14 definition of solid waste rule.

15 Although reversing these changes is
16 certainly a necessity, that alone is not enough. The
17 rule must be strengthened to better protect those who
18 suffer a disparate effect from sites processing
19 hazardous material in their communities.

20 One powerful example is right here in
21 Philadelphia. At 3110 Castor Avenue in a community
22 where more than half of the residents are people of
23 color, with nearly a third living below the poverty
24 line, there's a facility known by the pleasant name of
25 the Franklin Slag Pile. A Mid-Atlantic Superfund

1 site.

2 The slag pile covers an area of about 4
3 acres with 68,000 cubic yards of copper slag. While
4 the site was active, it spread material in all
5 directions, carried away by the wind and coating local
6 sidewalks and storm drains.

7 Shortly before the facility closed in late
8 1999, it was cited by the EPA for releasing lead into
9 the Delaware River through stormwater runoff.

10 Slag samples from the site revealed total
11 lead concentrations of over 9,000 micrograms per liter
12 with some leachable concentrations reaching 35,000
13 micrograms per liter.

14 The pile also released toxic contaminants
15 into the air including beryllium as well as copper and
16 lead. The same facility, were it operational today,
17 would be exempt from regulation under the 2008
18 definition of solid waste rule.

19 Further, when the operation was no longer
20 profitable, the acres of slag were abandoned and the
21 community was left with a vast area of unattended
22 contaminated waste in its midst.

23 As a result, it was necessary in the year
24 2000 for the EPA to perform an emergency cleanup of
25 the site. They removed 20 tons of bagged slag, 246

1 tons of hazardous debris, and 12,000 tons of
2 contaminated soil and slag.

3 There is a significant cost associated with
4 these commercial hazardous waste recycling operations,
5 and yet it is not paid for by those who profit from
6 them but rather by the communities which they infest,
7 in the currency of our citizens' health and well-
8 being.

9 And when these unsafe facilities are
10 abandoned by their operators, government agencies are
11 forced to shoulder the cost of cleaning up after them.
12 Considerations of justice or even simple fairness
13 demand that the cost of something be paid by those who
14 benefit from it, not inflicted upon those who have
15 little power to protest.

16 Justice to man is not only the reversal of
17 the exemptions in the 2008 DSW rule, but the reg --
18 but that regulations over hazardous waste processing
19 be strengthened to protect those who have been forced
20 to suffer so unfairly for so long.

21 Thank you for the opportunity to comment.

22 MS. DEVLIN: Thank you.

23 Is there anybody else in the audience who
24 wishes to speak?

25 At this point since we've gotten through all

1 of the speakers for this morning, we're going to take
2 about a half-an-hour break. We'll reconvene about
3 quarter to 12 to see if there are any other speakers.

4 Thank you.

5 - - -

6 (Whereupon, a short recess was taken.)

7 - - -

8 MS. DEVLIN: Okay. Good morning again. I
9 just want to ask is there anyone else in the audience
10 who would like to speak before we officially break for
11 lunch?

12 Okay. Hearing not, we have additional
13 speakers lined up for this afternoon, so I'm going to
14 again take a break. We will resume this meeting at 1
15 o'clock with our afternoon speakers.

16 Thank you.

17 - - -

18 (Whereupon, a luncheon recess was
19 taken.)

20 - - -

21 MS. DEVLIN: Okay. Good afternoon. I think
22 we'll begin this afternoon's session of our public
23 meeting on EPA's proposed rule for the definition of
24 solid waste.

25 I'm not going to go over the summary of the

1 rule that I read this morning. But I'd like to
2 introduce the members of the panel. I'm Betsy Devlin.
3 I am the acting director of the materials recovery and
4 waste management division in EPA's Office of Resource
5 Conservation and Recovery and I will chair the session
6 of this public meeting.

7 With me on the panel this afternoon are
8 Richard Huggins in our division in Washington; Marilyn
9 Goode, who's the chair of the -- the workgroup chair
10 on the definition of solid waste rule; and Charlotte
11 Mooney, who's the chief of the recycling and generator
12 branch. And Charlotte will be acting as our
13 timekeeper this afternoon.

14 Just going over a few of the logistics for
15 this afternoon's meeting, for those speakers who
16 preregistered, you are generally assigned a time
17 session when you are scheduled to give your five to
18 ten minutes of testimony. I will call the speakers to
19 the front.

20 When I call your name, please move to the
21 microphone, state your name and your affiliation for
22 the court reporter. And we may ask you to spell your
23 last name for the court reporter. She is transcribing
24 all of the comments for the official record of this
25 meeting.

1 Once all of our preregistered speakers have
2 had a chance to speak, we will call those who have
3 registered to speak on-site today.

4 Your testimony this afternoon will be
5 limited to ten minutes. And we will hold up cards to
6 let you know when your time is getting low. When we
7 hold up the yellow card, you have one minute to speak.
8 And when the red card is held up, your time is up and
9 you should stop speaking. And when you've completed
10 speaking, please return to your seat.

11 If you have brought a written copy of your
12 testimony, we ask that you place it in the box on the
13 registration table.

14 And also please remember, if you don't get a
15 chance to finish your oral remarks, your written
16 comments will be entered into the record just as if
17 you had provided them orally. And also remember that
18 you may submit written comments to EPA up until
19 October 20th.

20 Our goal today is to ensure that everyone
21 who has come today to present testimony is given the
22 opportunity to provide that testimony. And we will do
23 our best to accommodate all of the speakers.

24 We are scheduled to close at 7 o'clock
25 tonight, but we will go longer if it is necessary.

1 And as we said before, if for time reasons you don't
2 get to present your comments orally, you can submit
3 them in writing. And again, they will be considered
4 just as though you had given them orally.

5 And if there is someone here who has not yet
6 registered to do so and would like to speak, we ask
7 you to sign up at the registration table.

8 Also at the registration table we have an
9 overview of the 2011 DSW proposal, and that also
10 includes instructions on how to submit your written
11 comments.

12 Again, if you have a cell phone, we would
13 ask that you either turn it off or turn it to vibrate.
14 And if you need to use your phone during the meeting,
15 if you would just move to the lobby or just somewhere
16 outside the meeting room.

17 With that, again, I thank you all for coming
18 and we will get started.

19 Our first speaker this afternoon is Ms.
20 Miller-Travis. Please come forward.

21 MS. MILLER-TRAVIS: Thank you, Ms. Devlin.
22 Thank you to EPA for the opportunity to discuss with
23 you further concerns about the definition of solid
24 waste rule.

25 I want to say that the paucity of people in

1 attendance does not reflect the lack of concern for
2 communities that are potentially impacted by this
3 issue.

4 Many people, as you know, are just getting
5 their kids back to school or coming off vacations. 36
6 hours ago I was on a beach in South Carolina having a
7 great old time, thank you very much. And thanks to
8 you and the RCRA office, I am here in Philadelphia
9 today.

10 But again, the paucity of attendance does
11 not belie the concern of communities about these
12 issues.

13 I'm representing the Maryland Commission on
14 Environmental Justice and Sustainable Communities.
15 I'm vice chair of the commission.

16 I also serve as a member of the National
17 Environmental Justice Advisory Council and along with
18 Earth Justice and EPA -- Earth Justice and Sierra Club
19 have been following this issue for some time.

20 I brought a copy of props -- not really a
21 prop but I want to share it with you. These -- this
22 is a list of facilities that would fall under the
23 exemption that are here in the Philadelphia Metro
24 area. They includes sites in Camden, New Jersey, and
25 Gloucester County, and other nearby Southern New

1 Jersey counties.

2 But these are some of the facilities and
3 these are the things that they're dealing with in
4 their communities. So I'm just going to give these to
5 you all to look at.

6 MS. DEVLIN: Wonderful.

7 MS. MILLER-TRAVIS: You can keep if you like
8 and return.

9 I want to just highlight some of the issues
10 that we have concerns about. And then I want to spend
11 a little bit of time talking about the extraordinary
12 environmental justice analysis that you all undertook
13 on as a part of the definition of solid waste.

14 So hazardous waste recycling poses great
15 threats to communities and must be strictly regulated.
16 Unregulated hazardous waste recycling often involves
17 midnight dumping, spills, sloppy management, fly-by-
18 night operations, and abandonment of large quantities
19 of hazardous waste.

20 There's a community nearby here called
21 Chester, Pennsylvania. If you took the train up, you
22 saw it just as you were leaving Wilmington. You'll
23 see heavy industry and you'll see lots of small little
24 houses right up and next to that heavy industry.

25 This is an issue that has plagued the City

1 of Chester, Pennsylvania, for many, many years. And
2 the Pennsylvania Department of Environmental
3 Protection has been working to try and stop this fly-
4 by-night practice of dumping in and near this
5 community.

6 EPA documented 218 sites contaminated by
7 hazardous waste recycling where air, groundwater,
8 soil, and surface water were contaminated by highly
9 dangerous substances during hazardous waste recycling
10 operations requiring state or federal hazardous waste
11 cleanup often under Superfund authority.

12 Hazardous waste released at such sites
13 include solvents such as benzene, toluene, TCE, and
14 perchlorate -- and cause cancer, birth defects, lupus,
15 and immune disorders -- and metal such as lead,
16 hexavalent chromium, mercury, and arsenic, which are
17 potent neurotoxics and carcinogens.

18 The majority of hazardous waste recycling
19 facilities are located in low-income communities and
20 communities of color. The average annual cost of
21 cleaning up contamination caused by hazardous waste
22 recycling is \$86 million.

23 The impact of this rule is substantial.
24 Over 1.8 million tons of hazardous waste or nearly 4
25 billion gallons are recycled annually by U.S.

1 companies, much of it under broad exemptions
2 from hazardous waste requirements.

3 EPA's proposed 2011 DSW rule potentially
4 affects about 9,000 facilities handling hazardous
5 waste. But EPA must close the gaps in the 2008 Bush
6 DSW rule to protect communities.

7 You should require permitting for all
8 hazardous waste recycling activities.

9 You should require adequate and enforceable
10 standards for storage of hazardous waste to prevent
11 releases.

12 You should require transparency and
13 reporting.

14 You should require safety in the transport
15 of hazardous waste. This is a huge issue in
16 environmental justice communities.

17 You should require regular inspection of
18 hazardous waste recycling facilities and establish
19 enforceable criterion for legitimate recycling.

20 As I mentioned at the 2009 hearing that the
21 agency had on the 2008 proposed rule, the issue of
22 sham recycling is one of the critical issues that led
23 to the emergence of the environmental justice movement
24 to begin with, sham recyclers operating across the
25 Deep South in EJ communities across the country and

1 tribal communities.

2 So to take us back to a place where
3 recycling or sham recycling business can have a free
4 hand in what they do, what they transport, what they
5 store takes us back to the beginning of a situation
6 that we thought we were 25 years beyond. And so these
7 communities are particularly concerned that EPA not
8 take steps back but in fact take steps forward.

9 That recyclers must show that they have met
10 criteria by submitting documentation to the state or
11 to EPA. They cannot just say that they are recycling
12 these substances. They must be able to demonstrate in
13 concrete terms, in writing, in manifest, what they're
14 doing and how they're doing it.

15 EPA must consider environmental justice. In
16 2009, pursuant to concerns raised by the
17 environmental, environmental justice, and public
18 health community, EPA agreed to perform an
19 environmental justice analysis to determine potential
20 impact of the Bush 2008 DSW rule.

21 And I just want to take a minute to stop and
22 to thank your office and your staff and all the people
23 who were involved in and undertaking the first ever
24 environmental justice analysis of an EPA rule. 355
25 pages I think would have to register as really

1 significant. And I did read every single page and
2 every single sentence. And it's really good. It's
3 really extraordinary.

4 But one of the -- the main pieces that I
5 want to mention is that you come to the same
6 conclusion that we who are working on this issue have
7 come to. And I just want to read exactly what you
8 said in the rule in terms of findings.

9 Finding number one, hazardous secondary
10 material recycling does pose significant potential
11 hazards.

12 And finding number two, the possibility of
13 hazards from hazardous secondary materials recycling
14 adversely impacting human health and the environment
15 is increased under the 2008 DSW final rule. And you
16 also found that indeed minority communities and low-
17 income communities would be adversely affected by that
18 2008 proposed rule as it was delineated then.

19 So then what do we do about it? You went to
20 extraordinary lengths to do the analysis. We, Earth
21 Justice and Sierra Club and others, did do a rather
22 thorough analysis of our own and then you went a few
23 steps further in your own demographic analysis of the
24 data that we provided to you, particularly around the
25 damage case sites.

1 I want to commend the agency for the
2 extraordinary efforts that you went to, the lengths
3 that you went to, the detailed information that you
4 put in there. But we come to two different -- two
5 different areas of analysis.

6 You agree that in environmental justice
7 communities, low-income, tribal, communities of color,
8 would be adversely affected, and you document that in
9 rather detailed extraordinary description in the
10 environmental justice analysis.

11 But at the end of the day, you do not say
12 that anything different needs to happen. So you
13 acknowledge that in fact these communities and
14 constituencies would be adversely affected, but yet
15 the rule does not say that therefore we should do
16 something dramatically different or hazardous waste
17 recycling should do something dramatically different.

18 So we have a few suggestions about perhaps
19 how it could be improved.

20 Cases where toxic release have incurred in
21 the past are consistently located in communities in --
22 communities of color and low-income communities. 55.8
23 percent of them are cited in communities with more
24 people of color than the relevant statewide averages.
25 And 69 percent have higher low-income representation

1 than the statewide average.

2 In general, these facilities located in
3 environmental justice communities are also in the
4 densest communities. Therefore, the total population
5 nationwide facing the threat of toxic exposure is
6 disproportionately low income and nonwhite and
7 disproportionately denser populations of people, so
8 more people would be affected given where these
9 facilities are today.

10 The 2008 DSW rule allows communities fewer
11 opportunities for public participation in siting and
12 permitting decisions than federal hazardous waste
13 regulations currently require.

14 The facilities exempt from federal controls
15 in this rule are often located in areas that already
16 face exposure to multiple environmental hazards and
17 already have high cancer rates and neurological hazard
18 waste as a result of exposure to these pollutants.

19 In order to comply with Executive Order
20 12898 on environmental justice issued by President
21 Clinton in 1994, EPA must not ignore the findings of
22 its environmental justice analysis. Given a finding
23 that the transfer-based exclusion and other gaps in
24 regulation in the 2008 rule caused disproportionate
25 impacts, EPA must follow through on finalizing the

1 improvements in the 2011 proposed rule.

2 EPA must not incorporate any proposal
3 alternatives for streamlining hazardous waste
4 recycling standards in the final rule. And EPA must
5 strengthen the proposed 2011 DSW rule to protect
6 communities.

7 You should clarify the definition of what is
8 a release. Eliminate the exemption for tolling
9 contractors -- and my colleague Abby Dillen is going
10 to talk much more about that -- eliminate land-based
11 storage of hazardous waste. And EPA must extend
12 requirements to all hazardous waste recycling.

13 Now, a little bit more about the
14 environmental justice analysis.

15 Thank you, Ms. Mooney.

16 The findings of the environmental justice
17 analysis show that facilities already operating under
18 the 2008 DSW exemption in Iowa, New Jersey, and
19 Pennsylvania are located in communities with a higher
20 percentage of people of color.

21 Cases where toxics releases have occurred in
22 the past, damage cases are consistently located in
23 communities of color and low-income communities.

24 The remaining gaps that threaten
25 communities, specifically, EPA must strengthen the

1 standard that -- defining containment to prevent
2 releases of hazardous waste recycling during the
3 storage and recycling process of hazardous waste
4 generators.

5 Clarify the definition of what constitutes a
6 release. Remove the exemption for tolling
7 contractors. EPA must not weaken the proposed rule.

8 Furthermore, you need to establish more
9 stricter safeguards for hazardous waste recycling
10 involving transfer from one company to another,
11 stricter protections against sham recycling in the
12 form of four mandatory legitimacy criteria that must
13 be met by all hazardous waste recyclers, and establish
14 robust standards for notification, containment and
15 recordkeeping for 32 additional hazardous waste
16 recycling operators that have historically caused
17 substantial environmental damage.

18 And, of course, I will be providing written
19 comments as well. Thank you so much.

20 MS. DEVLIN: Thank you.

21 Ms. Dillen.

22 MS. DILLEN: Good afternoon. And thank you
23 so much all of you for being here.

24 My name is Abigail Dillen. I'm here on
25 behalf of Earth Justice.

1 And I want to begin by saying absolutely the
2 most sincere thank you. We are in a very different
3 place today than we were in 2008 when we were raising
4 a host of concerns about the rule.

5 And the care that your staff has taken in
6 not only revisiting those issues that we had raised,
7 but actually thinking through possibilities to address
8 some of the concerns that we had raised is very much
9 apparent.

10 And so we appreciate all the work that's
11 gone into this proposal. And we're really pleased to
12 see that some of the things that we were most
13 concerned about really have been addressed.

14 And I want to start by saying and echoing
15 what Vernice has said about the environmental justice
16 analysis. This is what we hoped it would be, which is
17 a model for how EPA can really do a principal job of
18 environmental justice going forward. We think it is a
19 tremendous model. We understand the work that went
20 into it.

21 And I have had the pleasure of working with
22 EPA in many different programs. I've gotten questions
23 from staff and many different -- water division, the
24 air division, saying, you know, what do you all think
25 would be a good environmental justice analysis?

1 And I've been really pleased to be able to
2 say we think there's a model out there. Why don't you
3 look at the analysis that's been done for the
4 definition of solid waste rule. So thank you for
5 that.

6 But I do want to flag, echoing Vernice
7 again. What I see is a disconnect between the
8 conclusions that the environmental justice analysis
9 yielded and the statement in the preamble for the
10 proposed rule, which says that the impact that's been
11 identified has been addressed, because this proposal
12 would be more protective than the rule that's
13 currently in place.

14 And I take that to be sort of it could be a
15 worse standard. I don't think that's legally
16 sufficient and I certainly don't think it's the spirit
17 that was intended with Congress's -- excuse me -- with
18 the executive order.

19 So what I think needs to happen is to ensure
20 that all of the loopholes that are in the rule that
21 create a threat, if those can be closed, they should
22 be closed. And the conclusions about disproportionate
23 impacts make it all the more important that they be
24 closed.

25 There have been some really important steps

1 made toward closing loopholes. I would thank you
2 first and foremost for codifying all four of the
3 legitimacy factors. I think that's a tremendous step
4 forward, and we would very much support that that be
5 done in the final rule as well as the proposal.

6 I would say we do have concerns about taking
7 the treatment of management as a useful commodity
8 factor and boiling it back down to containment.

9 We have concerns about the containment
10 standard itself, which I'll be happy to talk about in
11 a moment or two. But that's really an important
12 factor, and I think that what it's trying to get at
13 is, is this industry behaving as industries usually
14 do?

15 And I'm not sure that containment really
16 gets to that standard. It seems like we're losing
17 something in the legitimacy factors by just
18 shortcutting and saying containment is sufficient.

19 The second and I think really important step
20 that you all have taken in the proposal is to
21 eliminate the transfer-based exclusion. And as you
22 know, that was one of our gravest concerns and we they
23 think it's absolutely appropriate to eliminate that
24 exclusion.

25 EPA has requested comment on whether the

1 tolling agreement should also be revisited. And I
2 believe there's a statement in the preamble that says,
3 you know, it seems that all of the same dangers
4 associated with the transfer-based exclusion also
5 apply when you have a tolling agreement.

6 We absolutely agree with that. There's
7 nothing magical about a contract that addresses the
8 concerns that attend when you are giving someone else
9 your waste and asking them to do something with it for
10 you. Certainly EPA's authority is -- stepping back a
11 second.

12 There's no reason why you can't eliminate
13 the tolling contract exception. It's not something
14 that's necessarily a continuous process. So for that
15 reason, we think you'd be on legally solid ground to
16 eliminate that exclusion as well.

17 And finally, I do want to focus on
18 containment. That's really the central consideration
19 any time that we're taking a waste out of RCRA's
20 cradle-to-grave regulatory system. If it's not
21 contained, it is discarded.

22 And so making sure that you're preventing
23 releases in the first instance, it's absolutely within
24 your authority and it should be, in my humble opinion,
25 your first priority, just to make sure that this rule

1 protects human health and the environment and that it
2 stands up in court.

3 Our major concern with the containment
4 definition last time around was that we felt it was
5 ambiguous. It was going to be hard for operators to
6 understand what contain -- what really would work to
7 contain the materials that they're keeping on-site.

8 And it would be even harder, I think, for
9 states to enforce a standard that's not clear in the
10 event that there is a release or in the event there's
11 an inspector on-site for some reason, even in this
12 self-regulatory world, and they see a problem.

13 But if there's not a clear standard, there's
14 no way to force the operator to do the right thing
15 before an accident happens.

16 So we would ask, why can't we import the
17 very clear good, tried-and-true standards that we have
18 elsewhere under the acts for various specific wastes.
19 If it's a corrosive waste, we know what containment
20 should look like. Why don't we borrow from the
21 regulations elsewhere and make those precise standards
22 applicable for this exclusion to apply.

23 The other concern that we have is that it's
24 not clear under the rule at what point the exclusion
25 would stop applying. The rule is very clear that a

1 single release will not convert hazardous secondary
2 material into a waste subject to
3 RCRA.

4 I think that's concerning. The idea that
5 there has been a -- you know, the reality of a release
6 certainly should give regulators and the public pause
7 that the given operator is not handling this hazardous
8 material with care.

9 But what really seems concerning to me is
10 that you could have any number releases before RCRA
11 kicks in again. And it seems to me that that's a
12 perverse incentive for operators.

13 It's unclear if anything would really happen
14 to them, whether they'll ever have to comply with RCRA
15 if they're not handling the wastes carefully enough.
16 And I think again, for states -- for regulators, it
17 creates a very difficult situation in the enforcement
18 context.

19 Finally, I would say we will, as always,
20 submit very detailed comments. And we do have a lot to
21 say about the rule, but what I wanted to convey,
22 because I'm here in person and I know that you are the
23 people who are actually working on this rule, is that
24 we are so grateful to you for taking a serious look at
25 this and for bringing this rule so much further

1 forward.

2 We're really pleased about the direction
3 that it's going, and we hope that you will be willing
4 to revisit this one central issue with containment as
5 well as the other issues that we will be raising with
6 you in our written comments.

7 Thank you.

8 MS. DEVLIN: Thank you.

9 Ms. Fields.

10 MS. FIELDS: Good afternoon. I'm Leslie
11 Fields. And I'm the director of the Environmental
12 Justice and Community Partnerships Program at the
13 Sierra Club in Washington.

14 And since about 2000 we have had a very
15 robust environmental justice program. And we have had
16 sites in New Orleans; Memphis; Minnesota; the Navajo
17 Nation out in Flagstaff, Arizona; Puerto Rico; New
18 Orleans; Appalachia; and in Washington D.C.

19 I'm here to represent the Sierra Club with
20 our teaming membership and also our program. And I
21 too want to thank you all for this opportunity again
22 to come and testify.

23 And also I want to echo what my good friend
24 and colleague Vernice Miller-Travis said about the
25 interest in this issue. We are all coming off of the

1 EPA EJ conference in Detroit. There were about 500
2 folks there, and very robust discussions, this issue
3 included. And so people are recovering from that
4 experience.

5 And we have a lot of interest in the
6 communities and there will be more written testimony
7 that will be submitted, including mine.

8 But I wanted to thank you again for this
9 opportunity and echo my colleague Abigail Dillen in
10 terms of also we really appreciate how far this rule
11 has come since 2008 and how much work has been done.

12 And I'm here to support EPA's proposed rule
13 restoring federal oversight on hazardous waste
14 recycling and to urge strengthening and clarifying
15 these standards in order to prevent harm for human
16 health in the environment and to support the
17 environmental justice analysis of the proposed rule
18 and the mandate to consider the disproportionate
19 impact of hazardous waste facilities on low-income
20 communities and communities of color.

21 And I also wanted to say that the analysis -
22 - the environmental justice analysis is pretty -- it's
23 very outstanding. And we very much appreciate it, and
24 should also -- it should be a model.

25 And it's something that when I first opened

1 it up, I really fell out. I was just very, very
2 pleased, and also to see the peer review and the
3 people that we know in the peer review process as
4 well. And so it's come a long way.

5 This is the sort of information sharing,
6 this is the sort of rigor that we are coming to expect
7 from EPA and this department, and hopefully other
8 departments will do the same.

9 And so the Sierra Club has had a
10 longstanding policy on solid waste and hazardous waste
11 and approved by the board many times. We are
12 longstanding in terms of our involvement in this
13 issue.

14 But, you know, we really want to emphasize
15 and underscore how much hazardous waste recycling
16 needs to be strictly regulated and how the recycling,
17 you know, includes all the sham issues that Vernice
18 mentioned and all the problems late at night and all
19 the illegal dumping and fly-by-night, the abandonment
20 of hazardous waste.

21 And I would also -- you know, the 218 sites
22 that were contaminated by hazardous recycling where
23 air, groundwater, soil, and surface water contaminated
24 by highly dangerous substances requiring state or
25 federal waste cleanup often under Superfund authority.

1 My previous remarks in 2009 had used as a
2 case study the situation at the ASARCO smelting, El
3 Paso, just that whole inglorious history of that
4 smelter, and as a case study and just illegal
5 corruption, totally unregulated and the various
6 goings-on with that.

7 And so we feel very strongly that the EPA
8 must close these gaps in the Bush DSW rule to protect
9 communities to require permitting for all hazardous
10 recycling activities, to require adequate and
11 enforceable standards for storage of hazardous waste,
12 require the transparency and reporting, require safety
13 and transport of hazardous waste, regular inspection
14 of hazardous waste facilities, enforceable criteria of
15 hazardous legitimate -- and particularly legitimate
16 recycling. It's very, very important.

17 And the environmental justice analysis, as I
18 said and I'm echoing, really is superior and -- but,
19 you know, at the end, we are concerned that you do
20 come to -- we have to make sure that there's a remedy
21 for these disproportionate impacts in hazardous waste
22 recycling by closing the loopholes.

23 And so as you know in the EJ analysis, EPA,
24 your agency, found that the facilities already
25 operating under 2'08 DSW exemption in three states --

1 which is Iowa, New Jersey, and Pennsylvania -- were
2 located in communities of high proportion of people in
3 color than the state averages. And a higher
4 proportion of people living below the poverty level in
5 Iowa and Pennsylvania are also living near these
6 facilities.

7 Particularly in Iowa, it seems like with
8 those facilities, that there was actually almost a
9 targeting because they really are some of the poorest
10 communities in the state. It wasn't just -- it
11 doesn't seem like there was a dart thrown at these
12 areas.

13 The cases where toxic releases have occurred
14 in the past are consistently located in these
15 communities. And 55.8 of them are sited in
16 communities with more people of color than the
17 relevant statewide average. And also the 2008 DSW
18 rule allows communities fewer opportunities for public
19 participation in siting and permitting decisions.

20 So we are very happy that you looked at this
21 and, you know, because of Executive Order 12898 you
22 can't ignore these findings.

23 And to that end, EPA must not incorporate
24 any proposed alternatives for streamlining hazardous
25 waste and all that entails and to strengthen this

1 proposed rule.

2 And I would also echo eliminating the
3 exemption for the tolling contractors. I think this
4 has much effect that I'm going to get into with my
5 written comments regarding hazardous waste that is
6 shipped overseas and to countries -- developing
7 countries that cannot in any way, shape, or form
8 dispose properly of this waste. And communities are
9 being contaminated.

10 And so we will do more analysis with that.
11 But I think that that is something that we will really
12 help the agency has -- will follow and do the
13 important enforcement on it as well.

14 And EPA has done a very good job recently on
15 enforcing, making sure that e-waste is not sent to
16 developing countries. So we hope this will continue
17 with the hazardous waste.

18 And again, EPA must extend requirements to
19 all hazardous waste recycling and -- because of the
20 high risk exposed to these facilities handling this
21 waste.

22 And I would also like to take this
23 opportunity to request that the EPA include some extra
24 categories in hazardous waste and look more closely,
25 particularly in the issue of recycling of aluminum

1 dross and aluminum facilities.

2 And in the 218 damage cases from the
3 hazardous waste material recycling turned up 15
4 contaminated sites, many Superfund sites involving the
5 recycling of aluminum.

6 And these are sites -- these cases are all
7 over the country: Arkansas, California, Delaware,
8 Illinois, Indiana, Massachusetts, Michigan, New
9 Jersey, New York, Oregon, Washington, West Virginia.
10 So it's time to close this gap and apply these
11 additional safeguards.

12 And one case in particular is in Camden,
13 Tennessee. It's a rural community located in
14 Tennessee's poorest county, Benton County. And with
15 many EJ communities, Camden is also disproportionately
16 plagued by multiple pollution sources and
17 environmental threats, such as a massive local
18 landfill, a huge coal ash dump, aluminum dross
19 landfill, and an aluminum dross recycling business.

20 This business is called Environmental Waste
21 Solutions. It's causing a real crisis in this local
22 community.

23 It's dange -- aluminum dross is dangerous
24 when it's wet or damp. And toxic fumes hang over the
25 Camden area, mostly at night and early in the morning

1 with the dew and the rain. These fumes are ammonium,
2 methane, and hydrogen. And sometimes it's almost
3 impossible to be outside.

4 They interrupt the habits of the lifestyle
5 of this community. And they create a very dusty haze,
6 and large amounts of particulate matter fill the air
7 morning, noon, and night. And also causes water
8 pollution in the local streams and creeks where the
9 thick dust comes in contact.

10 The Camden community has organized -- they
11 have had a public hearing with the Tennessee
12 Department of Environmental Quality. Families -- two
13 families testified on July 26th that their children
14 had broken out in full-body rashes after swimming in
15 their backyard swimming pools because it was
16 contaminated by this aluminum dross.

17 And this problem is very difficult to manage
18 because it is allowed to be landfilled. It's
19 household garbage without consideration of health
20 characteristics. And there's a lot of strong odors
21 attributed to this recycling. And it's a very, very
22 bad situation there.

23 Also, there's a -- there's a case actually
24 regarding aluminum dross recycling in the Federal
25 District Court -- U.S. District Court in Akron, Ohio.

1 There's another operator called American
2 Landfill and Company and its parent company is Waste
3 Management. And they operate one of the largest
4 landfills and process as much trash, but also this
5 aluminum, which has a meaning and substantial threat
6 of fire and -- and chemical reactions triggered by the
7 heat and landfill substance due to the barrier
8 aluminum waste.

9 And according to the lawsuit, the landfill
10 temperatures, which is a sign of aluminum waste
11 problems, have been steadily rising since late 2001.
12 And the company has continually asked the Camden
13 Health Department to operate this landfill at a higher
14 temperature every year.

15 Other places that have these -- are seeing
16 this problem are -- is the Mobile Smelting in Mojave,
17 California; Diamond State Salvage in Wilmington,
18 Delaware; Circle Smelting Corporation in Clinton,
19 Illinois; Huntington, Indiana; in Braintree,
20 Massachusetts, the Cutter Industrial Corporate site in
21 Detroit; Saddle Brook, New Jersey; Newburgh, New York;
22 Gettysburg, Pennsylvania; Washington, Washington; and
23 Red Jacket, West Virginia.

24 I know my time is up, but I also want to
25 mention another related issue that has surfaced with

1 continuous frequency with our program in New Orleans.
2 And the communities that we work with in New Orleans
3 is that -- and does affect this issue with hazardous
4 waste in terms of on the state level; that since
5 Hurricane Katrina, there has been now 16 amended
6 declarations of emergencies for environmental laws and
7 administrative orders.

8 So basically that there has been -- the last
9 one was a fourth extension of the 16th amended
10 declaration on environmental and administrative orders
11 after Hurricane Katrina.

12 And so all the environmental laws have been
13 waived since Hurricane Katrina and now they're in
14 their 16th amended declaration of an emergency order.

15 And so we -- we would hope that EPA will
16 look at this situation for the communities there who
17 are waiting to see some enforcement and are still
18 suffering under these waivers of environmental laws.

19 And again, thank you for all you've done,
20 this rule, and we're very pleased to work with you and
21 I appreciate the time and this opportunity.

22 MS. DEVLIN: Thank you.

23 Mr. Collins. Is Mr. Collins here? Okay.

24 Is there anybody else in the audience who
25 wishes to speak right now?

1 Please come forward. State your name.

2 MR. MASUR: Thank you. My name is David
3 Masur, M as in Matthew, A, S as in Sam, U-R.

4 I'm the director of an organization called
5 Penn Environment. We are a citizen-based
6 environmental advocacy group with more than 60,000
7 citizen members, contributors, activists, and
8 volunteers here in the Commonwealth. We are part of a
9 national federation called Environment America, which
10 is in 30 states and has approximately a million
11 citizen members and activists.

12 And I also speak today as a concerned local
13 resident. I live in South Philly near the
14 intersection of Broad and Passyunk.

15 And so first of all I'd like to thank the
16 EPA for holding this hearing today and affording the
17 public the opportunity to be heard on the proposed
18 definition of solid waste, the DSW rule.

19 In the last months of the Bush
20 Administration, EPA passed an obscurely named rule
21 called Revisions to the Definition of Solid Waste.

22 The innocuous name belies the rule's far-
23 ranging impact and severely reduces RCRA oversight of
24 hazardous wastes that are allegedly recycled and
25 completely disregards the overwhelming evidence that

1 recycling of hazardous waste is a very dangerous
2 practice, which if not stringently regulated,
3 frequently results in the release of extremely toxic
4 chemicals.

5 EPA's new rule removes critical safeguards
6 at these high-risk facilities that will lead to the
7 imminent and substantial endangerment of public health
8 and the environment from toxic waste.

9 For example, this rule removed the time-
10 tested stringent regulation of hazardous waste
11 recycling under RCRA.

12 And despite the longer history of sites
13 contaminated by hazardous waste recycling operations,
14 the Bush Administration saw it fit to remove
15 government oversight over the recycling of more than
16 1.5 million tons, I believe Vernice said,
17 approximately 4 billion gallons of hazardous waste.

18 This was done despite the fact that such
19 recycling has created hundreds of Superfund sites and
20 has cost taxpayers hundreds of millions of dollars in
21 cleanup costs over the last few decades.

22 It's estimated that 5,600 waste recyclers
23 will be subject to the new exemption. What kinds of
24 activities will now receive less government oversight
25 as a result of this rule?

1 Hazardous waste recycling often involves
2 recycling of organic solvents and sludges and dust
3 from pollution control equipment. These wastes
4 contain some of the most hazardous chemicals known to
5 humans, including benzene, TCE, arsenic, lead,
6 chromium, and cadmium.

7 These chemicals can ignite when not stored
8 with care, will poison drinking water when spilled,
9 will foul the earth when sites are mismanaged, and can
10 destroy communities when wastes are abandoned there.

11 Yet this new rule allows these dangerous
12 chemicals now to be stored in ditches, ponds, pits,
13 and piles. The rule requires no specially designated
14 containers. It demands no specific tracking to ensure
15 safe transport of deadly chemicals, and mandates no
16 stringent operating licenses.

17 Pursuant to a lawsuit filed by the Sierra
18 Club, this administration has seen it fit to reexamine
19 the DSW rule. And we're thankful that the EPA has
20 done this.

21 Under authority of the 2008 rule,
22 Pennsylvania is one of four states that abandoned
23 oversight of hazardous waste recycling.

24 Despite the history of contaminated sites in
25 this state from such activity, including several

1 Superfund sites costing tens of millions of dollars --
2 I believe Pennsylvania still has the second highest
3 number of Superfund sites in the nation --
4 Pennsylvania no longer affords citizens essential
5 protections.

6 As in other states, this rollback of
7 oversight over hazardous waste in Pennsylvania
8 threatens our most vulnerable communities: low-income
9 communities and communities of color. It also
10 switches the burden of payment for cleanup onto the
11 taxpayers when Pennsylvania DEP and the EPA must clean
12 up the contaminated sites.

13 The proposed DSW rule published last June by
14 the Obama EPA provides some fixes to the 2008 rule --
15 it's clearly taken a train wreck and gotten some of
16 the cars back on the track. But it's essential that
17 this administration ensure that all of the problems
18 are fixed.

19 RCRA once promised cradle-to-grave
20 management of hazardous waste. Pennsylvania citizens
21 as well as -- as well as all citizens of this nation
22 deserve nothing less. Simply put, EPA must set
23 enforceable storage and labeling requirements for
24 hazardous materials and prevent the storage of
25 hazardous materials in unregulated pits, ditches,

1 piles, and ponds.

2 Secondly, companies that do not comply with
3 the rule's notification requirements must not be
4 eligible for the rule's exemption.

5 Third, EPA must create a stringent
6 definition of a legitimate recycling that make
7 environmental and public health protection a
8 mandatory.

9 And fourth, EPA must withdraw the exclusion
10 for off-site handling and recycling.

11 These simple but essential changes to the
12 DSW will protect our communities as well as our
13 pocketbooks. It will place the responsible -- excuse
14 me, the responsibility properly on the polluter to
15 manage its hazardous waste safely and to engage in
16 recycling of hazardous waste only if it's legitimate
17 and if it's conducted in a manner that prevents
18 releases of hazardous materials.

19 We have an obligation to take these
20 important steps to protect the health of
21 Pennsylvania's residents now and for future
22 generations.

23 Thank you again for allowing me to testify
24 today. And I will also submit written comments.
25 Thank you.

1 MS. DEVLIN: Thank you. All right.

2 Is there anyone else in the room who would
3 like to testify at this point?

4 Okay. Hearing not, we will take a break
5 for, I'm going to say, 45 minutes and we will
6 reconvene at 2:30 by my watch. Thank you.

7 - - -

8 (Whereupon, a recess was taken.)

9 - - -

10 MS. MOONEY: Hello. Just checking to see if
11 there is anyone who would like to speak at our public
12 hearing at this point in time.

13 No? We'll reconvene at 3:30.

14 - - -

15 (Whereupon, a recess was taken.)

16 - - -

17 MS. MOONEY: I was wondering if anyone would
18 like to comment on our rule at this point?

19 Hearing none, we are going to adjourn until
20 5 o'clock. Thank you.

21 - - -

22 (Whereupon, a recess was taken.)

23 - - -

24 MS. MOONEY: Good afternoon. I was
25 wondering if there is anyone who would like to comment

1 on our rule at this point?

2 Hearing none, we will adjourn until 6

3 o'clock. Thank you.

4 - - -

5 (Whereupon, a recess was taken.)

6 - - -

7 MS. MOONEY: Just checking to see if anyone
8 wants to speak at the public meeting. If no one wants
9 to speak, then we will reconvene until 10 -- until 7
10 o'clock, 6:50 p.m.

11 - - -

12 (Whereupon, a recess was taken.)

13 - - -

14 MS. DEVLIN: Okay. We're going to restart
15 the public meeting on the definition of solid waste.

16 Mr. Collins.

17 MR. COLLINS: Should I introduce myself?

18 MS. DEVLIN: Yes, please, for the court
19 reporter.

20 MR. COLLINS: So Bryan Collins. I'm the
21 Philadelphia Outreach Coordinator for Citizens for
22 Pennsylvania's Future, commonly known as Penn Future.

23 We're simply here today to add our voice in
24 support of no doubt other testimony that's come
25 already today for increased regulation. And we're

1 clearly defining, you know, what solid waste is,
2 what's hazardous, and having that be communicated
3 directly through communities.

4 One of the things that I was particularly
5 interested in when I was reading some dossiers on the
6 issues is that that of the environmental justice
7 component of this. I think people in Philadelphia are
8 especially sensitive to the fact that a lot of these
9 facilities are often located in underserved
10 neighborhoods.

11 We really have an issue here in Philadelphia
12 with blight and trying to rebuild neighborhoods and
13 put them to better use. And that's incredibly
14 difficult when you have parcels of land that have been
15 left by businesses that are now damaged and are going
16 to require additional monies to remediate.

17 And it's even more detrimental to try to
18 rebuild neighborhoods where pollution is ongoing and
19 people know about it and, you know, the obvious
20 effects that that has on those neighborhoods.

21 So, you know, I could cite the statistics in
22 my testimony, but I'm sure you've heard them before.
23 It's pretty clear-cut, you know, the disproportionate
24 amount of people of color and also lower income people
25 that are affected by these -- by, I guess, ineffective

1 handling of solid waste.

2 And let's see. Just really briefly, I also
3 wanted to hit upon the issue of really dialing in the
4 criteria for best practices as it relates to
5 recycling.

6 We're deeply concerned by the idea that it
7 would be companies who are claiming to be recycling
8 who are actually causing some of the worse damage and
9 responsible for illegal dumping, not only for the
10 actual dumping itself, which is obviously detrimental
11 and an issue, but really for the pall that that can
12 cast on recycling at large.

13 And it really can do a lot of damage in the
14 eye of the public and the way people see recycling
15 efforts.

16 And it can be very disillusioning,
17 especially when you're talking about some of the most
18 potentially harmful substances. And that if people
19 don't trust the companies that are in charge with
20 recycling these very products, they're far less likely
21 to be supportive of recycling efforts in general.

22 And while we've had tremendous success in
23 Philadelphia and across the State of Pennsylvania in
24 increasing recycling, you know, it's always an uphill
25 battle to get people to buy into the idea that this is

1 something that's important to do.

2 And when word gets out in communities that
3 the very companies that are handling some of the most
4 noxious stuff and are supposed to be recycling and
5 then turning them into something useful or at least
6 benign are not doing so, it's really detrimental to
7 the entire process.

8 And I'll leave it at that.

9 Thank you very much. By the way, I'd just
10 like to -- I really appreciate that you guys came here
11 and held today's hearing and are asking for as much
12 public testimony as possible.

13 Thanks.

14 MS. DEVLIN: Thank you. We appreciate you
15 coming.

16 MR. COLLINS: Is one copy enough for you
17 guys?

18 MS. DEVLIN: Yes. Wonderful.

19 It's now 6:50 p.m. and the EPA meeting of
20 the definition of solid waste proposed rule making is
21 now adjourned.

22 Thank you.

23 - - -

24 (Whereupon, the proceedings concluded
25 at approximately 6:50 p.m.)

1 CERTIFICATE OF COURT REPORTER

2 I, Christine Brown, a Certified Court Reporter,
3 hereby certify that the testimony and the proceedings
4 in the foregoing matter taken on the date hereinbefore
5 stated are contained fully and accurately in the
6 stenographic notes taken by me and constitutes a true
7 and correct transcript of the same.

8

9

10

11

12

13

14 CHRISTINE BROWN,
15 Certified Court Reporter, and
16 Notary Public for the State of
17 Pennsylvania

16

17

18

19

20

21

22

23

24

25

<u>\$</u>	91:14	261 11:16	69 58:16 81:25
\$10 12:8	2001 59:21 99:11	261.2(c)3 13:6	6901 58:20
\$86 61:22 77:22	2005 48:5	261.2(e 26:11	<u>7</u>
<u>1</u>	2007 22:13 31:8	26th 98:13	7 9:3 73:24 107:9
1 11:21 30:18	37:1	<u>3</u>	70 19:7
71:14	2008 4:12 5:2 11:1	3 26:12	74 48:4
1.2 39:24	16:1 19:4 23:19	3:30 106:13	75-pound 11:10
1.5 36:4 40:14	26:4	30 101:10	78 41:8
102:16	29:3,13,18,23	30th 19:12	<u>8</u>
1.8 46:25 77:24	30:7,14 31:24	31 35:14	8 11:17 14:2,22
10 30:20 107:9	32:23 33:6 35:9	3110 68:21	25:24
10:00 1:7	36:4 37:12 38:23	32 51:8 84:15	<u>9</u>
100 29:1	41:24 45:9,24	35 40:24	9,000 47:4 69:11
12 1:6 71:3	46:12,19,22	35,000 69:12	78:4
12,000 70:1	48:10,14	355 79:24	90 59:13
1201 1:11	49:4,9,18,21	36 75:5	98 15:24
12898 46:13 49:15	53:14 61:23	<u>4</u>	99.99 11:23
82:20 95:21	63:21 64:5,23	4 26:12 29:2 37:6	<u>A</u>
15 30:20 97:3	65:3,24 66:2	69:2 77:24	a.m 1:7
16 100:5	69:17 70:17	102:17	abandoned 29:17
16th 100:9,14	78:5,21 79:20	42 58:20	69:20 70:10
17-acre 59:20	80:15,18	45 106:5	103:10,22
18 20:19 38:7	82:10,24 83:18	<u>5</u>	abandonment
1967 60:22	85:3 92:11 95:17	5 106:20	76:18 93:19
1976 64:8 67:13	103:21 104:14	5,600 102:22	Abby 83:9
1980 12:17	2009 19:12 22:14	500 92:1	Abigail 84:24 92:9
1982 48:5	25:8 35:13 78:20	52 36:18	ability 50:19
1988 15:20	79:16 94:1	55.8 58:14 81:22	able 13:4 79:12
1994 82:21	2010 19:16	95:15	86:1
1998 15:13 30:21	2011 1:6 9:10	<u>6</u>	absolutely 18:10
1999 69:8	31:18 32:4,10	6 107:2	25:21 37:11 85:1
<u>2</u>	37:18 49:24	6:50 107:10	87:23 88:6,23
2,200 28:15	53:15 74:9 78:3	110:19,25	accepted 32:14
2:30 106:6	83:1,5	60 28:25 35:17	accepting 46:15
20 69:25	2'08 94:25	60,000 101:6	access 34:4
200 40:3 47:20	20th 8:18 73:19	65 40:3	accident 89:15
56:5 61:13	218 36:24 37:2	68,000 69:3	accommodate
2000 16:1 69:24	77:6 93:21 97:2		8:25 73:23
	22 15:7 16:13		
	22nd 4:3		
	246 69:25		
	25 79:6		
	25,000 35:19		
	250 17:11		

according 30:21 47:25 48:3 99:9	103:25	adopting 24:18	79:18
accordingly 19:23 64:18	acts 89:18	advantage 24:20 25:2 45:23	agreement 22:22 88:1,5
account 6:2	actual 52:14 109:10	adverse 37:14 45:17 64:11	agreements 5:6
accountable 50:21	actually 55:22 67:2 85:7 90:23 95:8 98:23 109:8	adversely 80:14,17 81:8,14	ahead 57:17
accumulate 4:23	acutely 46:1	Advisory 75:17	aims 34:6
accumulated 20:4	Adam 45:4	advocacy 60:20 101:6	air 34:22 36:25 47:22 53:5 56:19 60:14,15,19,22 61:14 69:15 77:7 85:24 93:23 98:6
accumulation 17:23 50:12	adapted 24:6	affect 62:4 100:3	Akron 98:25
accurately 111:5	add 21:1 107:23	affected 46:1 80:17 81:8,14 82:8 108:25	alcohol 21:1
accusingly 54:21,24	adding 42:2	affects 78:4	allegedly 101:24
acetone 21:1	addition 17:10,21,24 40:14 66:5	Affiliates 18:16,20	allow 4:20 9:4 38:15 42:13 51:25 62:2
achieve 51:5 67:12	additional 5:12 6:22 21:9 22:6 24:9 30:3 51:8 71:12 84:15 97:11 108:16	affiliation 7:24 72:21	allowed 32:6 44:7 98:18
achieved 67:20	Addressed 85:13 86:11	affluent 53:20	allowing 67:22 105:23
acids 26:9	addresses 88:7	affording 101:16	allows 13:7 52:22 82:10 95:18 103:11
acknowledge 81:13	address 3:7 5:10 19:2 25:4 49:17 66:16 85:7	affords 104:4	alone 40:3 68:16
acknowledged 31:5	adequate 5:12 28:1 34:14 36:22 78:9 94:10	afternoon 7:19 71:13,15,21 72:7,13 73:4 74:19 84:22 91:10 106:24	already 13:19 36:19,24 38:10 44:23 48:10,13 49:12,17 58:9 66:2 82:15,17 83:17 94:24 107:25
acknowledges 24:5 26:13	addresses 88:7	afternoon's 71:22 72:15	alternative 4:15,16 23:21 24:6 28:1 38:12 39:5
acres 59:13 69:3,20	adjoined 110:21	against 5:24 27:14 41:23 51:3 56:17 84:11	alternatives 83:3 95:24
across 27:3 39:24 44:19 78:24,25 109:23	adjustments 9:19	agencies 6:18 70:10	aluminum 96:25 97:1,5,18,19,23 98:16,24 99:5,8,10
act 35:22 49:15,22 53:17	administration 40:11 68:12 101:20 102:14 103:18 104:17	agency 19:25 23:25 24:2,17 27:6 46:10,14 78:21 81:1 94:24 96:12	am 3:13 68:4 72:3 75:8
acting 3:13 56:17 72:3,12	administrative 100:7,10	agency's 18:20 23:7 46:7	
action 63:24	adopt 60:5	aggressively 56:18	
active 69:4	adopted 24:22	ago 41:2 75:6	
activists 101:7,11		agreed 23:14	
activities 6:25 47:2 50:4 51:9 62:1,4 65:3 66:11 67:1,3 78:8 94:10 102:24			
activity 25:11 37:11,22 52:24			

ambiguous 24:17 89:5 amend 37:19 amended 19:19 52:12 66:21 100:5,9,14 America 101:9 American 99:1 Americans 34:18 53:18 ammonium 98:1 among 6:18 53:10 amount 11:20 14:16,25 15:9,11,16,17 108:24 amounts 11:14 12:5 52:17,22 98:6 analysis 7:4,6,7 17:11 18:2,5 38:22 46:12,22 48:9,12 49:16,19 53:7 58:10 61:6 65:24 76:12 79:19,24 80:20,22,23 81:5,10 82:22 83:14,17 85:16,25 86:3,8 92:17,21,22 94:17,23 96:10 analyzing 53:13 angry 54:22 announced 19:10 annual 61:21 77:20 annually 47:1 77:25 answering 8:19 anybody 55:3 70:23 100:24 anyone 71:9 106:2,11,17,25	107:7 anything 81:12 90:13 anywhere 52:23 Appalachia 91:18 apparatus 56:16 apparent 85:9 appear 18:18 Appendix 11:17 14:2,22 25:24 applaud 34:16 applauds 38:19 46:20 applicable 89:22 applications 21:11 applied 38:2 apply 5:14 13:24 14:8,13 17:3,5,6 27:6 88:5 89:22 97:10 applying 10:11 52:6 89:25 appreciate 9:15,25 85:10 92:10,23 100:21 110:10,14 approach 20:8 53:13 appropriate 7:11 19:6 29:9 87:23 approved 52:9 93:11 approximately 47:4 101:10 102:17 110:25 area 61:11 69:2,21 75:24 97:25 areas 18:25 49:10 59:25 60:2 66:3 81:5 82:15 95:12 aren't 56:3 argued 27:14	arguing 26:16 arise 21:11 arising 10:24 Arizona 32:11 91:17 Arkansas 97:7 arms 24:13 arrangements 23:15 24:4 arrived 55:22 arsenic 47:12 56:10 77:16 103:5 ASARCO 94:2 ash 97:18 assaults 34:12 assemblies 28:21 assembly 28:19 assertion 65:15 assigned 7:19 72:16 associate 60:13 associated 32:12 45:18 48:1 70:3 88:4 association 18:23 28:12,14 assuring 64:20 attached 20:15 attend 88:8 attendance 75:1,10 attending 3:3 attributed 98:21 audience 70:23 71:9 100:24 August 19:13 authorities 5:23 23:12 authority 6:24 24:8 61:19 77:11	88:10,24 93:25 103:21 authorized 12:21 automatically 12:11 automobiles 28:23 availability 17:8 available 7:8 Avenue 59:12 68:21 average 58:16,17 61:21 77:20 82:1 95:17 averages 30:20 48:16 81:24 95:3 avoided 48:7 aware 13:12 away 69:5 <hr/> B <hr/> background 13:15 backyard 98:15 bad 98:22 badly 55:4 59:20 bagged 69:25 balance 7:11 19:6 29:10 56:13 balancing 56:21 bare 65:9,14 barely 36:10 barrier 99:7 barriers 29:10 32:19 base 30:6 based 13:11 31:19 46:23 bases 26:9 basic 26:10 54:15 66:19 basically 12:11 17:2 19:20 100:8
--	---	--	---

basis 24:12 bat 14:9 batch 14:16 15:3 18:23 battery 13:20 battle 109:25 battles 43:4 beach 75:6 bearing 30:24 33:11 become 21:10 becoming 32:9 beds 57:4 begin 3:6,24 71:22 78:24 85:1 beginning 79:5 behalf 10:2 46:3 60:15 84:25 behaving 87:13 behind 24:13 belie 75:11 belief 21:20 belies 101:22 believe 7:10 19:5 21:3 22:3 30:2 34:21 40:10 41:21,24 42:5,8,11 43:12,24 44:4,6,12,16 88:2 102:16 104:2 believes 20:16,25 26:20 27:22 29:3 32:23 Benchmarking 30:22 beneficial 23:1 beneficially 29:7 benefit 29:14 50:7,22 57:10 70:14	benefits 29:18,25 31:22 33:9 38:16 57:7 benign 110:6 Benton 97:14 benzene 21:1 47:9 56:6 77:13 103:5 beryllium 69:15 best 8:25 73:23 109:4 Betsy 2:5 3:13 72:2 better 5:24 23:11 42:9 44:8 55:1,7 68:17 108:13 beyond 79:6 billion 77:25 102:17 billions 17:25 bio 17:7 bioproduct 13:8 birth 47:10 56:8 77:14 bit 76:11 83:13 blanket 38:12 blending 20:22 blessing 54:9 blight 108:12 board 28:18,20 30:19 93:11 boards 30:12 bodies 14:21,24 boiling 87:8 bolster 20:10 book 40:21 bordering 59:13 Borough 40:5 borrow 89:20 bothered 55:10 bottle 54:21	box 8:12 73:12 Braintree 99:19 branch 3:20 72:12 break 71:2,10,14 106:4 breathe 34:20 60:21 Brendan 68:4 Brian 63:11 brief 3:25 briefly 10:7 109:2 bring 42:22 47:4 bringing 59:24 90:25 brings 43:14 broad 18:25 47:2 63:25 64:6 65:2,19 78:1 101:14 broken 98:14 Brook 99:21 brothers 57:4 brought 73:11 75:20 Brown 1:15 111:2,13 Bryan 107:20 budget 27:13 31:9 burden 26:16 39:2 104:10 burdens 28:2 33:1 56:14 burdensome 26:15 29:21 32:12 burning 41:4 Bush 40:11 78:5 79:20 94:8 101:19 102:14 business 11:6 24:25 79:3 97:19,20 businesses 19:8	29:1 34:17,21,24 35:6 39:13 108:15 buy 109:25 by-night 77:4 <hr/> C <hr/> cadmium 103:6 California 97:7 99:17 Camden 40:5 75:24 97:12,15,25 98:10 99:12 Canada 32:16 cancer 40:8 47:10 49:13 56:8,18 77:14 82:17 Capitol 1:17 carcinogens 47:13 77:17 card 8:7,8 73:7,8 cards 8:6 73:5 care 55:10 56:24 85:5 90:8 103:8 careful 53:12 54:17 55:18 57:13 64:16,24 65:7 carefully 90:15 Carolina 75:6 carried 69:5 carry 39:2 cars 104:16 case 26:24 52:13 80:25 94:2,4 97:12 98:23 case-by-case 6:16 cases 13:12,15,16,18 26:20 36:24 37:2,6 43:18 47:20,24 48:4,21
---	--	---	--

58:10,12,18 59:1 62:16 66:6 81:20 83:21,22 95:13 97:2,6 cast 109:12 Castor 68:21 Castorina 28:9,10,11 C-A-S-T-O-R-I- N-A 28:11 categories 65:2 96:24 cause 22:2 34:8 35:6 36:15 44:22 47:10 77:14 caused 49:21 51:9 60:7 61:22 77:21 82:24 84:16 causes 98:7 causing 97:21 109:8 cell 9:14 28:22 74:12 Center 45:7 46:19 54:7 58:3 63:15 68:8 centers 41:6,9 43:1,4 central 88:18 91:4 certain 5:6 6:13 16:22 20:2 42:5 certainly 24:15 68:16 86:16 88:10 90:6 CERTIFICATE 111:1 Certified 1:16 111:2,14 certify 111:3 CFR 26:10 65:8 chair 3:20 72:5,9 75:15 chairing 3:16	chance 8:3 73:2,15 change 5:9,22 15:1,6 changed 16:1 23:19 31:16 changes 26:3 39:9 68:15 105:11 changing 31:6 chapter 39:20,21 40:21 chapters 35:14,17 characteristic 12:24 13:7 characteristics 98:20 charge 109:19 Charlotte 2:3 3:18 72:10,12 checking 106:10 107:7 chemical 18:16,19,24 20:23 22:19 41:3 59:17 99:6 chemicals 26:10 36:15 37:14 41:13 42:9 102:4 103:4,7,12,15 Chester 45:20 59:3,5,11,25 76:21 77:1 Chicago 3:12 chief 3:19 72:11 child 54:14 childish 55:13 children 43:20 98:13 children's 56:10 57:6 China 32:17 choice 31:3 Christine 1:15	111:2,13 chromium 47:12 77:16 103:6 Circle 99:18 circuit 28:18,20 30:12,19 circumstances 27:16,21 cite 108:21 cited 58:14 69:8 81:23 cites 27:8 citing 24:11 citizen 101:7,11 citizen-based 101:5 citizens 68:9 70:7 104:4,20,21 107:21 city 41:3 42:23 43:7 45:20 55:9 76:25 claiming 109:7 clarifies 5:18 clarify 8:21 52:5 61:3 83:7 84:5 clarifying 92:14 clarity 52:17 classify 33:14 clean 54:16 57:12 60:14,15,19,22 104:11 cleaning 61:21 70:11 77:21 cleanup 59:20 69:24 77:11 93:25 102:21 104:10 cleanups 37:16 47:24 61:18 clear 37:10 89:9,13,17,24,25	clear-cut 108:23 clearer 5:7 clearly 16:7 37:21 104:15 108:1 client 46:4 clinic 58:2 63:15 68:7 Clinton 82:21 99:18 close 45:22 49:22 61:23 73:24 78:5 94:8 97:10 closed 69:7 86:21,22,24 closed-loop 42:6 closely 45:15 96:24 closing 38:3 87:1 94:22 club 39:20,21,25 41:23 56:2 75:18 80:21 91:13,19 93:9 103:18 coal 97:18 coal-fired 59:15 coalition 27:13 coating 69:5 codifying 87:2 cohesiveness 27:8 coincides 58:18 coke 59:16 cold 57:22 colleague 83:9 91:24 92:9 Collins 100:23 107:16,17,20 110:16 color 45:16 47:8 48:16,22 49:22 53:19 58:13,15 61:9 62:18 68:10,23 77:20 81:7,22,24
---	--	---	--

83:20,23 92:20 95:3,16 104:9 108:24 combination 14:6 comes 98:9 coming 42:15 57:22 74:17 75:5 91:25 93:6 110:15 commend 53:12 81:1 comment 4:25 6:22 7:3,9,17 8:25 46:8 53:24 60:9,16 63:7,18 70:21 87:25 106:18,25 comments 3:9 4:1,4 7:8 8:1,15,17 9:5,12,22 12:4 19:1,13,14 22:14 28:6 35:20 42:21 46:3,7 63:7 67:22 72:24 73:16,18 74:2,11 84:19 90:20 91:6 96:5 105:24 commercial 59:22 70:4 commission 75:13,15 commodities 19:22 commodity 87:7 Common 30:21 commonly 30:13 107:22 Commonwealth 101:8 communicated 108:2 communities 22:8 35:2 36:18 38:11,23 39:1,15 40:7,8 41:17	42:16,18,22 43:3,7,9,10,11,2 0 44:3,14,23 45:13,15,19,25 46:6,11 47:7 48:15,22,23 49:12,18,22 50:2,7,17,22 51:10,23,24 53:8,15,19 56:25 58:13,15 59:2 61:8,9,24 62:18,19,20,21 64:10 65:21 66:8,12,18 68:19 70:6 75:2,11,14 76:4,15 77:19,20 78:6,16,25 79:1,7 80:16,17 81:7,13,21,22,23 82:3,4,10 83:6,19,23,25 92:6,20 94:9 95:2,10,15,16,18 96:8 97:15 100:2,16 103:10 104:8,9 105:12 108:3 110:2 community 5:11 23:11 34:2 41:20 43:14 46:4 59:7 60:13 61:12 62:2,9 68:21 69:21 76:20 77:5 79:18 91:12 97:13,22 98:5,10 companies 10:5,14,21 11:2,6 13:4 20:7 24:23 28:15 32:8 36:7,11 41:15 78:1 105:2 109:7,19 110:3 company 1:17 5:6 11:4,25 59:13 84:10 99:2,12 compare 14:2 15:9 comparison 15:5	competing 56:21 complete 63:7 completed 7:6 8:10 73:9 completely 101:25 compliance 5:23 50:12 complicated 23:23 comply 26:25 82:19 90:14 105:2 complying 36:7 50:19 62:13 component 108:7 components 38:8 composed 35:15 composition 22:15 comprehensive 46:21 computers 28:22 concentrated 15:17 concentration 30:16 concentrations 14:22,23 69:11,12 concern 24:25 26:15 43:8 75:1,11 89:3,23 concerned 25:15 42:4 61:11 79:7 85:13 94:19 101:12 109:6 concerning 45:9 58:5 60:17 90:4,9 concerns 5:10 19:7 25:4 74:23 76:10 79:16 85:4,8 87:6,9,22 88:8 conclude 58:23 concluded	15:22,24 110:24 conclusion 7:10 19:19 67:1,16 80:6 conclusions 86:8,22 concrete 79:13 condition 20:17 22:4 conditions 6:14 20:15 59:6 conducted 50:4 64:21 105:17 conducting 3:11 24:7 conference 92:1 Congress 58:20 64:7,13,18 67:13 Congress's 64:24 86:17 Connecting 28:13 consequently 39:11 conservation 3:16 35:22 39:23 72:5 consider 19:11 20:21 26:17 31:21 62:15 79:15 92:18 consideration 61:7 88:18 98:19 Considerations 70:12 considered 14:12 18:2,5 25:12 52:19 60:6 74:3 consistency 6:17 27:7,20 consistent 23:7 64:3 66:9 67:10 consistently 48:21 58:12 62:18 81:21 83:22
---	---	--	---

95:14	context 90:18	111:7	88:20 104:19
constant 14:18	contingency 51:21	correctly 19:25	crafting 53:15
15:4	continually 99:12	corrosive 36:14	create 31:25 45:10
constantly 14:18	continue 53:4	89:19	53:4 86:21 98:5
15:1	96:16	corruption 94:5	105:5
constituencies	continued 19:10	cost 16:21 31:1	created 30:10 41:7
81:14	21:19 28:3	32:7 55:16,17	49:21 102:19
constituents 11:17	continues 24:16	56:15 61:21	creates 90:17
14:2,25 25:25	60:3	70:3,11,13 77:20	creeks 98:8
constitutes 84:5	continuing 52:13	102:20	crisis 97:21
111:6	continuous 88:14	cost-effective 32:1	criteria 27:6 50:25
consumers 56:15	100:1	costing 104:1	79:10 84:12
contact 98:9	contract 88:7,13	costly 32:12	94:14 109:4
contain 6:25 11:7	contractor 24:7	costs 18:1,3 32:21	criterion
36:14 89:6,7	contractors 44:11	34:15 57:11	10:12,18,20,25
103:4	83:9 84:7 96:3	102:21	13:23,25
contained 5:9,11	contracts 22:18	Council	14:8,9,13 15:25
11:13 55:20	contrary 15:22	60:14,15,19,22	16:2,5,6 18:8
65:9,15 88:21	contrast 37:6	63:6 75:17	78:19
111:5	contribute 101:7	count 56:5	critical 50:13
containers 52:9	control 5:4	counterparties	63:20 67:18
103:14	21:14,17,21	24:21	78:22 102:5
containment 44:13	22:12,25 23:16	counties 76:1	Critically 48:3
51:7 52:6,11	41:3 58:24 103:3	countries	crucial 37:11
64:2 65:6	controlled 37:7	96:6,7,16	cubic 69:3
66:16,21 84:1,14	controls 38:5	country 34:17,23	cumulative 27:2
87:8,9,15,18	82:14	35:18 39:24	49:10
88:18 89:3,19	convert 90:1	44:20 52:23 56:1	currency 70:7
91:4	converted 59:22	78:25 97:7	current 5:11 25:13
contains 30:15,18	convey 90:21	county 45:20	59:8 66:2,16
contaminants	Coordinator	75:25 97:14	currently 32:16
69:14	107:21	course 84:18	34:13 57:25 65:8
contaminated	copper	court 1:16 7:25	82:13 86:13
47:21,23 56:4	30:10,17,18,20	41:23 72:22,23	custom 18:23
59:20 61:14,15	69:3,15	89:2 98:25	Cutler 45:3,4,5
69:22 70:2	copy 8:11 10:8	107:18	C-U-T-L-E-R 45:5
77:6,8 93:22,23	73:11 75:20	111:1,2,14	Cutter 99:20
96:9 97:4 98:16	110:16	cover 7:16	
102:13 103:24	Corporate 99:20	covered 27:17	<hr/>
104:12	Corporation 10:2	57:19	D
contamination	99:18	covers 69:2	<hr/>
36:25 53:9 61:21	correct 53:16	cradle-to-grave	D.C 91:18
77:21		36:6 38:5 42:12	daily 14:23
contends 27:7			damage 13:12,14
			47:20 48:4,21

<p>58:12,18 59:1 66:6 80:25 83:22 84:17 97:2 109:8,13 damaged 59:8 63:21 108:15 damages 13:16 51:10 damp 97:24 Dan 18:15,17 dange 97:23 danger 64:17 dangerous 36:14,21 47:8 50:4 52:12 55:18 61:16 62:3 77:9 93:24 97:23 102:1 103:11 dangers 17:8 88:3 dart 95:11 data 80:24 date 111:4 David 101:2 dawn 26:6 day 9:20 15:5 54:19 81:11 days 55:5 deadly 103:15 deal 10:17 16:14 25:13 40:19 58:25 dealing 40:23 43:16 44:9 57:8 76:3 debris 70:1 decade 31:5 decades 102:21 decent 44:14 deciding 56:13 decisions 49:6 62:3 82:12 95:19 declaration 64:24</p>	<p>100:10,14 declarations 100:6 declared 64:7,18 67:12 Deep 78:25 deeply 109:6 defects 47:10 56:8 77:14 defense 28:23 define 16:9,11 52:16 defining 84:1 108:1 definition 1:4 3:5,21 4:5 5:8,15 6:7 7:4 18:21 23:20 35:9,20 38:24 45:10 52:5,11,15 58:6 60:17 63:19 67:4 68:14 69:18 71:23 72:10 74:23 76:13 83:7 84:5 86:4 89:4 101:18,21 105:6 107:15 110:20 definitions 27:19 Delaware 45:20 59:11,13 60:23 69:9 97:7 99:18 delay 18:3 delays 28:2 deleting 21:22 delicate 29:9 delineated 80:18 delisting 17:16 demand 50:3 70:13 demands 103:14 demographic 80:23 demonstrate 79:12 denser 82:7</p>	<p>densest 62:21 82:4 density 48:24 DEP 104:11 department 77:2 93:7 98:12 99:13 departments 93:8 depends 13:3 deregulate 40:17 derive 57:10 derives 57:7 describe 12:4 description 3:25 81:9 deserve 104:22 design 28:17 designated 103:13 designation 47:24 designed 5:22 35:5,25 46:22 50:15 51:4 58:24 designing 27:5 despite 102:12,18 103:24 destination 55:22 destroy 26:1 103:10 destroyed 23:2 detail 10:9 16:19 19:2 detailed 28:6 46:6 81:3,9 90:20 determination 22:2 25:9 determinations 6:17,20 determine 79:19 detrimental 33:7 108:17 109:10 110:6 Detroit 92:1 99:21 develop 21:7</p>	<p>developers 59:21 developing 42:6 96:6,16 development 56:11 devices 28:22 Devlin 2:5 3:2,13 18:13 28:8 33:19 39:17 45:2 53:25 57:16 60:10 63:9 67:25 70:22 71:8,21 72:2 74:21 76:6 84:20 91:8 100:22 106:1 107:14,18 110:14,18 dew 98:1 dialing 109:3 Diamond 99:17 differences 27:16 different 14:20 23:22 27:18,21 81:4,5,12,16,17 85:2,22,23 difficult 60:1 90:17 98:17 108:14 difficulties 52:10 Dillen 83:9 84:21,22,24 92:9 direction 41:22,25 63:20 67:17 91:2 directions 69:5 directly 108:3 director 3:14 39:19 45:5 72:3 91:11 101:4 dirty 56:18 disadvantaged 63:4 66:14 discard 19:24 20:12 23:15 67:2 discarded 21:21</p>
---	--	--	---

47:16 88:21 discarding 20:1 discharged 44:8 disconnect 86:7 discourage 24:3 30:3 31:19 discouraged 32:9 discourages 29:20 discuss 74:22 discussions 92:2 diseases 56:9 disheartened 36:2 disillusioning 109:16 disincentive 24:9 disorders 47:11 77:15 disparate 49:17,21 68:18 disparities 66:9 disparity 65:22 disposal 5:21 31:3 32:5 37:9 64:15 66:24 67:15 dispose 17:24 96:8 disposed 20:5 disproportionate 40:9 61:8 66:17 82:24 86:22 92:18 94:21 108:23 disproportionatel y 45:17 49:2,3 53:8 62:24 64:11 66:7 82:6,7 97:15 disregards 101:25 disruptions 25:1 disservice 40:12 42:20 dissuaded 24:18	District 98:25 ditches 103:12 104:25 division 3:15,22 72:4,8 85:23,24 docket 7:8 doctors 35:15 document 6:4 48:4 52:24 81:8 documentation 50:11 79:10 documented 47:20 61:13 77:6 documents 13:15 dollars 14:11 15:2 16:24 17:25 102:20 104:1 dominant 31:3 done 10:13 12:17 44:1,2 86:3 87:5 92:11 96:14 100:19 102:18 103:20 dore 11:10,15,18,21 14:1,3,4,5,16,17, 25 15:3,5 D-O-R-E 11:10 dossiers 108:5 doubt 24:24 31:15 107:24 Downtown 1:10 draft 7:3 19:14 31:9,12 48:3 drains 69:6 dramatically 81:16,17 Drexel 63:13 68:5 drinking 103:8 dross 97:1,18,19,23 98:16,24 DSW 4:5,6 7:10	9:10 11:1 16:1 18:25 29:3,13,18,23 30:7,14 31:13,16,24 32:23 33:6,17 36:4 37:12 39:9 45:25 48:10 49:4,24 53:14,15 61:24 64:5,9,23 66:2 70:17 74:9 78:3,6 79:20 80:15 82:10 83:5,18 94:8,25 95:17 101:18 103:19 104:13 105:12 due 12:25 31:15 32:11 48:5 99:7 dump 97:18 dumping 76:17 77:4 93:19 109:9,10 dumps 41:7 during 16:20 44:5,8 46:7 61:16 63:7 66:22 74:14 77:9 84:2 dust 98:9 103:2 dusty 98:5 <hr/> E <hr/> e-activist 35:19 Earle 57:25 63:13 68:5 early 32:10 97:25 earth 11:7 75:18 80:20 84:25 103:9 easily 26:1 E-C 57:25 echo 91:23 92:9 96:2 echoing 85:14 86:6 94:18	economic 19:6 20:6,10 35:2 56:14 61:20 economically 66:13 economy 20:12 effect 16:9 25:21 48:10 68:18 96:4 effects 37:15 38:10 45:17 46:18 66:10 108:20 efficient 24:1 effort 26:16,21,25 50:13 56:24 efforts 26:4 37:17 50:23 51:3,16 52:2 59:7,24 81:2 109:15,21 egregious 34:12 egress 43:17 eighteen 6:11 either 74:13 EJ 45:13,19 46:11,12 48:3,9,12,23 49:16,19 51:10,24 53:7,14 78:25 92:1 94:23 97:15 EI 94:2 electricity 59:15 electronics 28:13,17,18,20,2 1,24 30:9 electroplating 30:11,22 31:4,7,13,17,20, 22 32:7,11,14 33:11,14 eligible 20:20 45:23 105:4 eliminate 51:16,19 52:25 83:8,10 87:21,23
--	--	--	---

88:12,16	104:23	46:5,21 49:11,13	73:18 74:22
eliminated 49:4	enforcement 52:10	51:10 56:2	75:18 77:6 78:5
53:11	90:17 96:13	58:2,10 59:6,25	79:7,11,15,18,24
eliminating 96:2	100:17	60:20 61:5	82:21,25
elimination 51:25	enforcing 96:15	62:15,20	83:2,4,11,25
Elizabeth 41:4	engage 22:17	63:14,21 65:23	84:7 85:17,22
else 70:23 71:9	105:15	67:20 68:7	87:25 92:1 93:7
88:8 100:24	engaged 16:10	75:14,17 76:12	94:7,23 95:23
106:2	enhanced 67:7	77:2 78:16,23	96:14,18,23
elsewhere	enjoy 53:21	79:15,17,19,24	100:15
89:18,21	enormous 16:21	81:6,10	101:16,20
embodied 49:23	ensure 6:18 8:23	82:3,16,20,22	103:19
emergence 78:23	22:23 23:15	83:14,16 84:17	104:11,14,22
emergencies 100:6	31:22 34:4 51:2	85:15,18,25 86:8	105:5,9 110:19
emergency 51:22	52:17 55:24	91:11,15	EPA's 3:4,15
69:24 100:14	62:11 64:9	92:17,22 94:17	21:19 25:5,9
emphasize 93:14	65:4,10 66:22	97:17,20 98:12	29:11 30:21 35:9
employees 29:1	67:18 73:20	100:6,10,12,18	36:4 37:17 38:19
employers 35:7	86:19 103:14	101:6 105:7	39:9 45:9 48:3
empower 31:25	104:17	108:6	50:24 53:7 58:5
empowered 56:25	ensuring 34:19	EPA 2:2 4:3,9,12	60:25 61:5 63:18
empowers 22:7	entails 95:25	7:2 8:17	67:1 71:23 72:4
enable 5:23 19:7	entered 8:15 73:16	10:19,24 12:21	78:3 88:10 92:12
22:25	entertain 30:2	13:15	102:5
enacted 58:20	entire 110:7	15:7,13,20,22,23	equality 66:20
64:13 65:8	entirely 25:17	,24 16:2,8 17:13	equipment 20:23
enacting 64:7	entities 27:4 64:3	18:6,10 19:10,20	103:3
67:13	environment 7:14	20:15,21,25	escalating 34:15
encourage 6:11	11:19 29:14	21:7,23,25	escape 38:5 44:7
29:11,25 32:20	33:3,8	22:1,2	especially 35:1
33:6 35:11	34:3,7,8,19 35:8	23:14,20,23	39:1 108:8
encouraged 26:4	36:9 38:21 39:10	24:5,10 26:13	109:17
encouraging 7:12	41:14,16 42:15	27:16 29:5,17	essential 104:4,16
29:14 33:3	47:15 51:4 58:22	30:2	105:11
endangered 38:23	61:4 63:1	31:5,8,11,20	establish 49:25
endangerment	64:8,14,17,20,22	32:24 33:9,14	78:18 84:8,13
102:7	65:1,11,17 67:14	35:4,20,24	estimate 27:3
Energy 59:12	80:14 89:1 92:16	36:2,24 37:1,23	estimated 102:22
enforce 5:24 89:9	101:5,9 102:8	38:3,13 39:4	estimates 17:11
enforceable 50:1	environmental 7:3	46:20 47:20,25	Europe 32:18
78:9,19 94:11,14	19:6,15 22:7	48:8 49:15,22	evening 7:20
	28:12	51:1,6,12,15	event 89:10
	29:12,18,25	52:3,5,16,21,25	everybody 8:23
	34:25 37:2 42:18	53:12,17 58:9	9:21
	44:23,24 45:6,12	60:5,16	everyone 34:12
		61:2,13,23,25	
		62:4,11,15	
		63:2,17,24	
		65:22,25 66:5	
		67:6,21 69:8,24	

73:20 everyone's 60:21 evidence 48:13 101:25 evidenced 24:16 49:13 e-waste 96:15 exactly 80:7 examination 65:7 example 4:20 22:6 25:22 30:17 59:3,10 65:25 68:20 102:9 exception 36:20 38:12 88:13 exclude 38:7 excluded 47:18 excluding 65:2 exclusion 4:13 5:3 6:6,10 20:6,15,20 21:16,22 22:4,12 23:9,12 24:11 31:19,21,24 37:19,20 38:6,16 48:1 49:20 65:19 67:7 82:23 87:21,24 88:4,16 89:22,24 105:9 exclusions 45:24 52:13 63:25 excuse 36:7 57:22 86:17 105:13 executive 46:13 49:15 82:19 86:18 95:21 exempt 18:8 37:4 49:8 69:17 82:14 exempted 11:2 21:13 31:10 36:4 42:10 47:18 exemption 21:3,9 23:22 24:24 25:1,2 33:16	38:14 42:5 44:10 48:2 52:21 66:2 75:23 83:8,18 84:6 94:25 96:3 102:23 105:4 exemptions 24:20 38:3 42:2 44:18 45:24 47:2 48:14 70:17 78:1 exist 49:6 59:6 existed 16:11 existing 5:15 6:23 48:1,10 52:6,13 53:14 Expanded 7:3 expect 93:6 expected 16:17 expenditures 37:15 expensive 37:16 experience 92:4 experts 35:16 explained 9:6 explicit 64:24 explicitly 65:23 explosive 36:14 exposed 56:6 96:20 exposure 36:17 37:13 38:25 49:10 62:23 68:11 82:5,16,18 exposures 39:3 49:1,13 extend 51:7 83:11 96:18 extension 100:9 extensive 10:5 extra 96:23 extracting 11:7 extractors 20:22 extraordinary	76:11 80:3,20 81:2,9 extremely 32:8 102:3 eye 109:14 <hr/> F <hr/> F006 30:22 face 24:25 49:10 82:16 facets 28:16 facilities 6:24 12:7 16:22 17:5,12 18:4 32:6,17,20 36:19 37:3,7 43:5,9,15 44:20 45:23 47:4,6,17,22 48:13,20 49:1,8 50:2,17,19 51:21,25 52:7 58:19,23 61:7 62:19 66:1,24 70:9 75:22 76:2 77:19 78:4,18 82:2,9,14 83:17 92:19 94:14,24 95:6,8 96:20 97:1 102:6 108:9 facility 16:24 17:3,24 22:20 26:18 32:10,13,16 68:24 69:7,16 facing 48:25 62:23 82:5 fact 10:10,18 15:22 27:15,18 79:8 81:13 102:18 108:8 factor 6:2 25:16 26:12 87:8,12 factors 6:1 25:5,6,10 26:12 27:11,23 87:3,17 fail 26:12	fails 65:4 66:16 fair 55:8 fairness 66:20 70:12 fall 47:2 66:11 75:22 falls 65:16 familiar 21:10 families 35:1 98:12,13 family 39:13 father 54:8 fault 57:9 faulting 24:13 favor 54:3 federal 38:20 47:5,19,23 48:6,18 49:6,9 61:1,18 77:10 82:12,14 92:13 93:25 98:24 federation 101:9 feel 17:15 94:7 fell 93:1 felt 89:4 fewer 82:10 95:18 Field 63:15 68:7 Fields 91:9,10,11 fifth 6:15 49:8 52:25 fifty 17:4 fight 24:14 filed 103:17 fill 98:6 film 13:20 final 10:23 11:9 19:4 25:10 27:10 31:3 43:23 80:15 83:4 87:5 finalize 46:14 53:18
--	--	--	---

finalized 19:4 23:18 25:3 finalizing 49:23 51:1,15 82:25 finally 9:14 21:7 88:17 90:19 financial 35:6 finding 46:12 80:9,12 82:22 findings 49:16 64:6 80:8 82:21 83:16 95:22 fines 41:11 finish 8:14 73:15 fire 36:17 99:6 fires 41:8 first 3:10 4:12 10:10 19:3 51:2 52:12 58:20 60:25 61:10 64:5 74:19 79:23 87:2 88:23,25 92:25 101:15 firsthand 41:2,13 fit 102:14 103:18 five 7:20 13:16 17:15 72:17 fixed 104:18 fixes 104:14 flag 86:6 Flagstaff 91:17 flammable 36:13 flaws 53:16 fly 77:3 fly-by 76:17 fly-by-night 93:19 focus 18:24 30:8 54:11 88:17 folks 92:2 force 67:19 89:14 forced 70:11,19	foregoing 111:4 foremost 19:3 87:2 forever 16:10 17:25 form 11:19 84:12 96:7 formally 59:12 forward 3:8 28:5 59:24 74:20 79:8 85:18 87:4 91:1 101:1 foster 6:17 foul 103:9 fourth 6:6 27:22 52:21 100:9 105:9 four-year-old 54:8 55:9 Franklin 68:25 frankly 23:8 42:8,19 free 36:20 79:3 frequency 62:12 100:1 frequently 102:3 friend 91:23 front 7:22 72:19 full 67:8,19 full-body 98:14 fully 29:4 111:5 fumes 97:24 98:1 functioned 41:10 functions 6:13 furthering 33:2 Furthermore 21:25 24:5 27:5 84:8 future 105:21 107:22 futures 57:6	<hr/> G <hr/> gallons 77:25 102:17 gap 97:10 gaps 49:20 52:10 61:23 78:5 82:23 83:24 94:8 garage 41:7 garbage 98:19 gas 38:15 43:1 general 36:12 46:9 56:16 65:20 66:6 82:2 109:21 generally 17:14 72:16 generate 12:1 36:20 generated 12:11 22:23 generation 59:16 65:5 generations 105:22 generator 3:19 5:1,4 21:15,18,21 22:12,25 23:17 72:11 generator- controlled 37:19 generators 4:19,21 5:18 37:24 44:6 62:13 63:25 84:4 gets 87:16 110:2 getting 8:7 41:13 73:6 75:4 Gettysburg 99:22 Giannotto 9:23,24,25 G-I-A-N-N-O-T- T-O 9:25 giants 28:25	given 8:24 22:15 23:7 44:18 67:19 73:21 74:4 82:8,22 90:7 giving 88:8 global 28:14 Gloucester 75:25 goal 6:10 8:23 23:3 65:16 73:20 goals 29:5 goings-on 94:6 gold 10:4,13 11:7,8,11,23 12:1,2,5,8,15,18 13:21 14:11 15:16 16:23 17:25 gone 41:23 85:11 Goode 2:4 3:20 72:9 gotten 16:24 70:25 85:22 104:15 govern 4:7 governing 65:13 government 70:10 102:15,24 grant 17:14 granted 17:17 grateful 90:24 grave 53:5 61:11 gravest 87:22 great 25:13 41:16 75:7 greater 6:17 12:3 52:17 56:8 59:25 greatest 22:10 greatly 59:7,8 greats 76:14 greenhouse 38:15 grew 42:23 ground 54:22
---	--	--	--

88:15 groundwater 38:9 47:22 61:15 77:7 93:23 group 39:23 46:4 101:6 grownups 54:25 55:6 growth 56:16 guess 108:25 guise 5:21 guys 110:10,17 <hr/> H <hr/> habits 98:4 Haddon 43:6 half 47:25 54:24 68:22 half-an-hour 71:2 hand 55:14 56:14,17 79:4 handle 41:17 47:8 handled 36:11 handling 78:4 90:7,15 96:20 105:10 109:1 110:3 handout 9:6 hands 57:4 hang 97:24 happen 81:12 86:19 90:13 happens 15:8 89:15 happy 87:10 95:20 hard 27:2 41:18 66:12 89:5 harder 89:8 hardship 35:6 harm 34:8,25 39:10 61:3 65:22 92:15	harmful 34:25 35:2 109:18 harms 56:17 60:7 hate 54:23 having 25:25 39:14 75:6 108:2 hazard 49:14 82:17 hazardous 4:6,7,13,15,17,1 8,21,23 5:3,8,16 6:25 7:13,15 19:21 21:2,16,20 23:16 29:22 31:2,10 33:12 35:4,10,11,25 36:5,11 37:1,20,22,24 38:4,20,25 40:2,15,23 41:4,18 44:5,7 45:11 46:25 47:3,6,14,18,21 48:2,19 49:1,6 50:1,8,15,16 51:8,11,13,17,18 ,20,24 52:7,14,18,23 53:1,5,21 55:20 56:4 58:8 59:18 60:3 61:1,7,12,14,16, 22,25 62:1,8,13 64:1,4,15,20 65:6,10,14,18 67:2,4,11 68:11,13,19 70:1,4,18 76:14,16,19 77:7,9,10,12,18, 21,24 78:2,4,8,10,15,1 8 80:9,13 81:16 82:12 83:3,11,12 84:2,3,9,13,15 90:1,7 92:13,19 93:10,15,20,22 94:9,11,13,14,15 ,21 95:24	96:5,17,19,24 97:3 100:3 101:24 102:1,10,13,17 103:1,4,23 104:7,20,24,25 105:15,16,18 108:2 hazards 36:12 49:11 80:11,13 82:16 haze 98:5 health 7:14 11:19 33:3,25 34:2,13 35:7,16,18 36:8 37:14 38:10,21 39:11 44:24 45:6,12,17 47:15 49:12 51:4,23 57:5 58:1 60:20 61:4 63:1,3,14,20 64:8,11,14,17,19 ,22 65:1,4,17 67:14 68:6 70:7 79:18 80:14 89:1 92:16 98:19 99:13 102:7 105:7,20 healthcare 34:4,14 39:13 healthy 34:11 39:14,15 heard 101:17 108:22 hearing 3:8 71:12 78:20 98:11 101:16 106:4,12,19 107:2 110:11 heat 99:7 heavily 32:5 heavy 76:23,24 held 8:8 73:8 110:11 Hello 54:2 68:2	106:10 help 6:18 38:21 96:12 helping 3:23 helps 50:17 hereby 111:3 hereinbefore 111:4 he's 3:22 hesitant 24:24 hexavalent 47:11 77:16 high 30:12 32:8 33:15 40:8 49:13,14 51:25 82:17 95:2 96:20 higher 30:16 48:15,17 58:16 66:3 81:25 83:19 95:3 99:13 higher-value 20:2 highest 48:24 104:2 highlight 76:9 highly 36:13 61:16 77:8 93:24 high-risk 37:11 102:6 high-value 6:7,9,12 21:6 31:23 32:20 33:10 Hillside 42:24 historic 46:21 historical 66:10,19 historically 51:9 84:16 history 48:7 94:3 102:12 103:24 hit 109:3 hold 8:6,7 50:20 73:5,7
---	--	---	--

holding 57:4 101:16 home 57:2 hope 42:21 91:3 96:16 100:15 hoped 85:16 hopeful 63:1 hopefully 93:7 hospital 57:3 host 85:4 hours 75:6 household 98:19 houses 76:24 huge 27:3 78:15 97:18 Huggins 2:6 3:22 72:8 human 7:14 33:3 36:8 47:15 61:3 64:8,17,22 80:14 89:1 92:15 humans 103:5 humble 88:24 hundred 17:4 hundreds 15:2 25:24 26:8 102:19,20 Hunting 45:21 Huntington 99:19 Hurricane 100:5,11,13 hurt 54:16,18 55:3 57:12,14 hurting 44:3 hydrogen 98:2 hyphen 33:23 <hr/> I <hr/> I'd 3:6,24 10:7 30:7 55:12 72:1 101:15 110:9	idea 90:4 109:6,25 identical 66:23 identification 27:8 identified 36:24 86:11 identify 50:19 identity 50:8 62:8 ignite 103:7 ignore 82:21 95:22 I'll 7:16 16:18 57:23 87:10 110:8 illegal 52:19 93:19 94:4 109:9 Illinois 3:12 97:8 99:19 illnesses 36:15 illustrates 53:7 I'm 10:18 17:1 18:15,17 28:11 33:24 39:20,25 45:5 54:6,7 57:17,25 60:13 61:11 63:1,12 71:13,25 72:2 75:13,15 76:4 84:24 87:15 90:22 91:10,11,19 92:12 94:18 96:4 101:4 106:5 107:20 108:22 imminent 102:7 immune 47:10 56:8 77:15 impact 17:10 18:2,5 27:2 39:1 61:8 77:23 79:20 86:10 92:19 101:23 impacted 44:20 53:8 75:2 impacting 80:14 impacts 38:22	49:11,17,21 53:14 82:25 86:23 94:21 impairing 56:10 implementation 31:16 implementing 6:18 import 89:16 importance 31:6 important 22:15 29:4 32:24 45:10 86:23,25 87:11,19 94:16 96:13 105:20 110:1 importantly 44:16 50:18 59:18 imposing 15:25 impossibility 10:11 impossible 98:3 impoundments 53:1 improve 5:22 59:5 improved 47:5 81:19 improvements 49:23 83:1 impurities 11:13,15,16,20 12:19,25 14:17,23 15:4,6,10,18,19 25:19,21 inappropriateness 10:10 incentive 90:12 incentives 20:7 incinerating 20:9 incineration 23:3 28:4 incinerators	42:14,25 include 28:24 31:12 47:8 77:13 96:23 included 38:6 43:22 59:15 92:3 includes 5:5 9:11 74:10 75:24 93:17 including 6:23 15:12 20:21 28:17,22 48:11 58:22 69:15 92:7 103:5,25 income 36:18 40:7 49:2 62:19,24 66:4 80:17 82:6 108:24 incomes 68:10 inconsistent 64:5,23 incorporate 39:4 83:2 95:23 incorporated 20:3 60:22 increase 32:22 37:13 increased 33:4 36:16 37:15 56:15,24 65:22 80:15 107:25 increases 59:1 increasing 20:12 109:24 increasingly 29:6 incredibly 108:13 incur 57:11 incurred 16:21 81:20 indeed 80:16 Indiana 97:8 99:19 indicates 34:5
--	--	--	---

indicative 19:23 individuals 34:1 58:22 industrial 36:11,18 40:6 42:24 59:16 99:20 industries 28:13 87:13 industry 13:12,22,24 14:6 15:25 16:4,16 18:9 28:17 30:19 33:7 46:1 51:12 54:4 55:15 56:23 57:7 68:13 76:23,24 87:13 ineffective 108:25 infest 70:6 infinitely 60:1 inflicted 70:14 information 22:1 81:3 93:5 infrequently 23:10 24:11 inglorious 94:3 ingredient 25:23 ingress 43:17 inherent 28:2 initial 20:19 Initiative 30:22 innocuous 101:22 input 4:10 inspection 50:16 62:11 78:17 94:13 inspector 89:11 instance 6:2 16:3 26:18 88:23 instances 56:8 instructions 9:11 74:10	intended 86:17 intent 58:21 intention 19:11 intercompany 20:1 interconnect 28:17 interest 54:6 58:2 63:15 91:25 92:5 interested 21:8 108:5 interests 56:21 interim 4:24 intern 54:6 58:1 international 18:22 interrupt 98:4 intersection 101:14 introduce 72:2 107:17 investors 56:15 involve 67:2 involved 41:2,6,9 79:23 involvement 44:13 93:12 involves 76:16 103:1 involving 26:14 84:10 97:4 Iowa 66:1 83:18 95:1,5,7 IPC 28:12,14,16,24,2 5 29:1,3 32:23 irresponsible 67:15 isopropyl 21:1 issue 25:4 27:19 56:20 75:3,19 76:25 78:15,21 80:6 91:4,25	92:2 93:13 96:25 99:25 100:3 108:11 109:3,11 issued 82:20 issues 10:8,9 19:2 43:16 75:12 76:9 78:22 85:6 91:5 93:17 108:6 items 30:12 it's 11:19,22 14:14,18 16:15,16 17:13 42:20 43:2 44:1,2 54:12,15,23 55:8,16 57:8,14 59:13 80:2 86:16 87:12,23 88:13,20,23 89:19,23 90:13 91:3 92:22,25 93:4 94:16 97:10,13,21,23,2 4 98:2,18,21 102:22 104:15,16 105:16,17 108:17,23 109:24 110:6,19 IV 15:14 I've 10:8 41:6,9 54:10,14 85:22 86:1 <hr/> J <hr/> Jacket 99:23 Jeff 39:19 Jeffrey 59:11 Jersey 39:20,21 40:3,10,16,19,24 43:7,25 48:11,14 60:23 66:1 75:24 76:1 83:18 95:1 97:9 99:21 job 41:16 44:9,15 85:17 96:14	jobs 34:18 John 54:5 J-O-H-N 54:5 July 4:3 15:7 16:13 27:13 98:13 June 19:12 104:13 jurisdiction 21:24 justice 7:4 19:15 22:7 42:18,20,21,22 45:6,12 46:6,21 58:10 59:25 61:6 62:16,20 65:23 66:20 67:20 70:12,16 75:14,17,18 76:12 78:16,23 79:15,17,19,24 80:21 81:6,10 82:3,20,22 83:14,16 84:25 85:15,18,25 86:8 91:12,15 92:17,22 94:17 108:6 justification 27:10 <hr/> K <hr/> Katrina 100:5,11,13 K-E-R 60:13 kicks 90:11 kiddingly 40:20 kids 75:5 kinds 102:23 known 36:15 68:24 103:4 107:22 K-O-P 57:24 Kopec 57:21,22,24 Kopik 57:21 Krier 63:10,11,12 K-R-I-E-R 63:12
---	---	--	---

<hr/> <p style="text-align: center;">L</p> <hr/> <p>labeling 104:23</p> <p>lack 52:8 75:1</p> <p>lacks 53:3 65:9</p> <p>land 13:10 34:22 64:16 108:14</p> <p>land-based 52:25 53:3,9 83:10</p> <p>landfill 97:18,19 99:2,7,9,13</p> <p>landfilled 98:18</p> <p>land-filled 29:16</p> <p>landfills 31:2 99:4</p> <p>language 27:14</p> <p>large 24:19 63:19 76:18 98:6 109:12</p> <p>largest 10:4 30:24 39:23 99:3</p> <p>last 6:21 25:4 32:13 56:5 72:23 89:4 100:8 101:19 102:21 104:13</p> <p>late 69:7 93:18 99:11</p> <p>later 3:12 9:3 19:2 31:11 39:22</p> <p>latest 24:17</p> <p>law 45:6,7,13 46:19 54:6,7,9 58:1,2 63:12,13,14,15 67:12,19 68:6,7</p> <p>laws 100:6,12,18</p> <p>lawsuit 99:9 103:17</p> <p>lawyer 54:11</p> <p>lax 39:7 64:12 66:10,15</p> <p>laying 18:3 23:21</p> <p>LDR 15:14</p>	<p>leachable 69:12</p> <p>lead 47:11 56:9 69:8,11,16 77:15 102:6 103:5</p> <p>leading 18:22 32:21</p> <p>learn 34:20 36:2</p> <p>learning 54:10</p> <p>least 6:21 11:1 18:8 56:25 110:5</p> <p>leave 52:9 110:8</p> <p>leaving 76:22</p> <p>led 78:22</p> <p>legal 45:13</p> <p>legally 54:12 86:15 88:15</p> <p>legislative 64:6</p> <p>legitimacy 6:1 10:11 25:5,6 26:11,17,19 27:5,23 50:25 84:12 87:3,17</p> <p>legitimate 5:15,20 6:3,5 12:22 15:21,23 16:7 25:12 78:19 94:15 105:6,16</p> <p>lend 67:23</p> <p>lengths 80:20 81:2</p> <p>Leslie 91:10</p> <p>less 11:21 25:2 29:2 30:18 47:14 60:1 102:24 104:22 109:20</p> <p>let's 109:2</p> <p>level 48:18 95:4 100:4</p> <p>licenses 103:16</p> <p>lifestyle 98:4</p> <p>light 46:11 66:25</p> <p>likely 20:10 21:12 109:20</p>	<p>likewise 50:17</p> <p>limit 50:12</p> <p>limited 8:5 21:4 73:5</p> <p>line 68:24</p> <p>lined 71:13</p> <p>lines 43:1</p> <p>list 20:19 21:2 75:22</p> <p>listen 55:8</p> <p>listing 17:14</p> <p>liter 69:11,13</p> <p>literally 25:24</p> <p>litter 54:23 55:3</p> <p>little 16:19 31:16 70:15 76:11,23 83:13</p> <p>live 16:6 34:20 36:18 40:1 53:19 101:13</p> <p>livelihoods 57:10</p> <p>lives 39:15 56:18 62:4</p> <p>living 34:11 39:14 48:18,19 51:24 68:23 95:4,5</p> <p>loads 12:1,2</p> <p>lobby 9:17 74:15</p> <p>local 45:25 69:5 97:17,21 98:8 101:12</p> <p>located 32:17 45:22 47:7 48:15,21 49:10 58:12 59:11 62:18,19 66:3 77:19 81:21 82:2,15 83:19,22 95:2,14 97:13 108:9</p> <p>location 58:18,19</p> <p>logical 58:23</p> <p>logistics 4:1 7:16</p>	<p>9:19 72:14</p> <p>long 12:16,22 16:11 17:2,13 46:19 59:4 68:11 70:20 93:4</p> <p>longer 17:19 69:19 73:25 102:12 104:4</p> <p>longstanding 36:8 93:10,12</p> <p>loophole 40:11</p> <p>loopholes 37:12 38:4 40:17 42:2,7 49:23 86:20 87:1 94:22</p> <p>lose 16:23 17:25</p> <p>losing 18:3 87:16</p> <p>losses 56:14</p> <p>lot 13:3 43:20 90:20 92:5 98:20 108:8 109:13</p> <p>lots 76:23</p> <p>low 8:7 20:3 36:17 40:7 49:2 62:18,24 66:3 68:10 73:6 80:16 82:6</p> <p>lower 108:24</p> <p>low-income 38:11,22 47:7 48:22 58:13,17 61:8 64:10 65:21 66:17 77:19 81:7,22,25 83:23 92:19 104:8</p> <p>lunch 71:11</p> <p>luncheon 71:18</p> <p>lupus 77:14</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>Mack 57:25 63:13 68:5</p> <p>magical 88:7</p> <p>magnitude 12:2</p>
--	---	---	---

main 80:4 mainly 13:6 maintain 29:11 major 4:10 41:21 89:3 majority 24:19 32:17 34:21 47:6 77:18 makings 10:20 man 70:16 manage 98:17 105:15 managed 13:10,11 19:23 management 3:15 7:12 23:4 27:12 29:5 30:1 31:9 36:6 58:25 64:16,21,25 65:18 72:4 76:17 87:7 99:3 104:20 manager 28:11 mandate 29:11 92:18 mandated 53:22 mandates 103:15 mandatory 6:1 14:10 16:8 25:7,12,15 27:11 50:24 84:12 105:8 manifest 51:17 52:24 79:13 manifests 50:14 manner 16:13 64:21 105:17 manufactured 13:20 manufacturer 30:9 manufacturers 18:16,19,24 20:11	manufacturing 6:13 20:4,24 22:18,24 24:1 28:18 33:1 59:17 margin 29:2 Marilyn 2:4 3:20 72:8 Market 1:11 marketplace 31:25 Marriott 1:10 Maryland 75:13 mass 11:10 Massachusetts 97:8 99:20 massive 97:17 Masur 101:2,3 material 4:17 5:16 7:13 15:10,11 21:2,11 24:1 25:19 31:10,23 65:9,15 68:19 69:4 80:10 90:2,8 97:3 materials 3:14 4:7,13,22,23 5:3,8 7:1,12,15 12:1,4,9,10,20,2 3 13:2,9 14:1,3,5,7,8,10,1 6 15:18 19:9,21 21:17,20,23 22:23 23:2,4,16 25:20 26:9 27:9 29:5,6,15,21 30:1,4,5,13,25 32:7,21,22 33:10,12,15,16 35:5,12 40:15 42:13,14 44:7 45:11 47:8,14,18 51:18 52:14,23 55:20 61:25 64:1 65:2,6,11,14 67:3 72:3 80:13 89:7 104:24,25 105:18	Matt 60:12 matter 1:3 55:3,4 98:6 111:4 matters 55:6 Matthew 101:3 may 7:25 8:17,21 9:5 25:19 72:22 73:18 mean 12:2 meaning 99:5 meaningfully 50:3 meant 5:9 35:7 measured 27:3 measures 20:18 medical 35:16,17 37:15 medium-sized 19:8 meeting 1:5 3:4,11,17 4:2 7:17 9:2,18 10:1 19:13 27:12 71:14,23 72:6,15,25 74:14,16 107:8,15 110:19 meetings 3:10 member 28:15 29:1 75:16 members 2:2 19:7 22:17 23:1 24:19 28:24,25 35:19 39:24 40:1 62:2 72:2 101:7,11 membership 22:16 91:20 Memphis 91:16 Mendez 33:20,22 M-E-N-D-E-Z 33:23 MENDEZ-QUIGLEY 33:21	mention 80:5 99:25 mentioned 78:20 93:18 mercury 47:12 56:9 77:16 mess 54:16 57:11 met 6:3,14 25:11 79:9 84:13 metal 11:25 15:13 30:24 33:11 77:15 metal-bearing 33:15 metallic 11:12,15 12:19,25 14:17,22 15:6,9,17,19 metals 10:14 11:2,3,6 12:24 13:8,17 18:9 30:15 32:3 40:12 47:11 methane 98:2 method 24:1 methodical 53:13 methodology 19:15 48:4 Metro 75:23 Mexico 32:18 Michael 9:25 Michigan 97:8 micrograms 69:11,13 microphone 7:24 72:21 Mid-Atlantic 68:25 Middlesex 40:5 midnight 76:17 midsize 18:23 midst 69:22
---	---	---	--

Millburn 43:5 Miller-Travis 74:20,21 76:7 91:24 million 12:8 36:4 39:24 40:14 46:25 61:22 77:22,24 101:10 102:16 millions 14:11 16:23 102:20 104:1 Millville 43:7 mind 16:1 55:13 mine 14:24 92:7 mined 11:13 14:20 mineral 15:15 17:2,4 minimize 26:15 minimum 20:25 mining 10:2,4,14,21 11:2,3,6 13:4,18 15:12,13,25 16:4 18:9 32:2 Minnesota 91:16 minority 36:17 38:11,23 64:10 65:21 66:4,18 80:16 minute 8:8 17:1 73:7 79:21 minutes 7:21 8:5 72:18 73:5 106:5 mismanaged 103:9 mismanagement 48:6 missile 28:23 missing 57:2 mission 33:2 34:5 Mobile 99:16 mobilizes 34:1	model 85:17,19 86:2 92:24 modifications 46:15 modifies 35:9 modify 45:9 Mojave 99:16 moment 87:11 Monday 1:6 money 32:3 57:8 monies 108:16 months 101:19 Mooney 2:3 3:19 72:11 83:15 106:10,17,24 107:7 morning 3:2 7:19 9:24 18:17,18 28:10 33:18 57:18,20,24 63:11 68:2 71:1,8 72:1 97:25 98:7 Moss 18:14,15,17 M-O-S-S 18:15 mostly 45:16 97:25 mothers 57:4 move 7:23 9:17 41:24 55:14 72:20 74:15 movement 78:23 moving 14:18 multiple 49:11 82:16 97:16 myself 107:17 <hr/> N <hr/> nation 91:17 104:3,21 national 75:16 101:9 nationally 40:20	43:25 nation's 39:23 nationwide 17:5,12 48:25 62:22 82:5 naturally 11:12,15 12:18,25 58:18 nature 13:3 30:17 Navajo 91:16 N-E 10:2 nearby 75:25 76:20 nearly 68:23 77:24 necessarily 25:11 88:14 necessary 22:5 63:2 64:25 67:8 69:23 73:25 necessity 68:16 neighborhood 45:21 55:4 neighborhoods 43:20 50:5,9 108:10,12,18,20 neurological 49:14 82:17 neurotoxics 77:17 neurotoxins 47:13 Nevada 10:6 Newark 40:5 42:24 43:6 Newburgh 99:21 newly 22:3 Newmont 10:2,4,13,22 11:5,25 12:7 Newmont's 12:7 nice 40:21 55:4 night 76:18 93:18 97:25 98:7 none 18:1,2 106:19 107:2	nonetheless 11:18 nonhazardous 27:9 nonprofit 34:1 60:19 nonspecific 36:12 nonviolence 34:3 nonwaste 6:16,19 nonwhite 49:3 62:24 82:6 noon 98:7 normal 17:20 normally 30:17 north 45:22 notably 27:18 Notary 111:14 noted 19:25 21:25 22:13 25:8,17 notes 23:25 111:6 nothing 13:21 23:19 41:7 88:7 104:22 notification 20:16 22:4 27:1 44:13 50:11 51:7 64:2 67:6 84:14 105:3 notify 6:24 noxious 110:4 nurses 35:15 nutshell 55:2 <hr/> O <hr/> Obama 104:14 object 20:14 23:5 objective 64:7 objectives 67:12,18 obligation 105:19 obligations 46:11,13 obscurely 101:20
--	--	---	--

obtain 24:8	92:25	82:19 86:18	36:23 37:5,10,23
obvious 108:19	operate 99:3,13	92:15 95:21	38:20 40:25
obviously 109:10	operated 22:21	100:14	41:12 46:2
occurred 13:13,16	operates 60:23	orders 12:2	47:5,19 48:7
37:3,7 48:5	operating 36:19	100:7,10	49:9 54:3 58:7
58:11 62:17 66:6	48:14 51:20 66:2	ore 11:13,25	61:1 68:12 92:13
83:21 95:13	67:7 78:24 83:17	12:3,14	101:23
occurring	94:25 103:16	13:1,3,22	102:15,24
11:12,15	operation 67:9	14:7,21,24 15:19	103:23 104:7
12:18,25 30:17	69:19	30:17	overview 9:10
occurs 62:12	operational 69:16	Oregon 97:9	74:9
o'clock 71:15	operations 5:19	ores 11:7	overwhelming
73:24 106:20	10:5 11:9 14:15	organic 20:23	101:25
107:3,10	17:18 61:17 70:4	103:2	owned 22:20 59:12
October 8:17 16:1	76:18 77:10	organization 34:1	
19:4 23:18 28:6	102:13	60:20 101:4	<hr/> P <hr/>
73:19	operator 89:14	organizations 34:2	p.m 107:10
odors 98:20	90:7 99:1	56:3	110:19,25
offered 45:24	operators 70:10	organized 98:10	pacemakers 28:22
office 3:15 27:12	84:16 89:5 90:12	original 25:9	page 80:1
31:8 72:4 75:8	opinion 88:24	Orleans 91:16,18	pages 79:25
79:22	opportunities 49:4	100:1,2	paid 70:5,13
official 8:1 72:24	82:11 95:18	others 53:10 80:21	pall 109:11
officially 71:10	opportunity 8:24	otherwise 29:7,15	panel 3:18 8:21
off-site 5:5 37:21	10:1 18:7 28:7	44:14	72:2,7
52:22 105:10	29:13 33:22 45:8	ourselves 40:20	parcels 108:14
Ohio 98:25	48:8 53:24 54:3	outreach 60:13	parent 99:2
Okay 71:8,12,21	58:4 60:8,16	107:21	Park 45:21
100:23 106:4	63:5,18 67:23	outset 19:18	participant 63:14
107:14	68:3 70:21 73:22	outside 9:18 13:11	participate 50:3
old 41:24 75:7	74:22 91:21 92:9	33:12 74:16 98:3	62:3
older 40:6 42:24	96:23 100:21	outstanding 92:23	participating 9:21
oldest 39:23	101:17	overall 39:22	participation
ongoing 51:23	oppose 23:13	58:21	43:10 49:5 82:11
108:18	opposes 25:5	overarching 65:16	95:19
on-site 5:5 8:4	optional 10:25	overburden 38:10	particular 22:19
37:24 73:3	11:3 16:2,6 18:8	44:24	30:8 43:25 46:4
89:7,11	options 32:1	overburdened	65:6,21 97:12
onto 13:1 104:10	oral 73:15	38:11	particularly 22:14
open 38:4 43:13	orally 8:16 73:17	overdue 46:19	25:14 51:24
63:7	74:2,4	overseas 96:6	66:12,25 68:9
opened 37:12	order 6:17 29:10	oversight 35:25	79:7 80:24 94:15
	31:12,22 46:13		95:7 96:25 108:4
	49:15 61:3 67:13		

particulate 98:6	people 21:10 34:8,11,13 35:1 39:14,22 40:1,13 43:24 44:19 48:16,18 54:17 55:5 56:1,6,24 57:12,17 58:15 68:9,22 74:25 75:4 79:22 81:24 82:7,8 83:20 90:23 92:3 93:3 95:2,4,16 108:7,19,24 109:14,18,25	personally 61:11	64:16
parties 13:19 39:12		personnel 51:21	plans 51:22
partners 27:14		persons 21:8	plastics 20:24
Partnerships 91:12		perverse 90:12	play 34:20
party 4:14,22 22:18,19,21		petition 6:1 10:16 21:8 26:14 27:25 38:14	pleasant 68:24
Paso 94:3		petitioner 26:19	please 7:23 8:10,12,13,16 9:8,17,23 54:1 72:20 73:10,14 74:20 101:1 107:18
passed 13:1 55:17 101:20		petitions 17:14,16	
Passyunk 101:14		pharmaceutical 20:23	pleased 18:18 19:18 85:11 86:1 91:2 93:2 100:20
past 43:19 58:11 62:17 81:21 83:22 95:14	peoples 39:11	Phase 15:14	pleasure 85:21
paucity 74:25 75:10	per 16:24 69:11,13	Philadelphia 1:10,12 33:25 45:7,14,22 54:7 58:3 61:10 63:16 68:8,21 75:8,23 107:21 108:7,11 109:23	pocketbooks 105:13
pause 90:6	percent 11:21,23 19:7 28:25 29:2 30:18,20 37:6 48:4 58:14,16 81:23,25	Philly 101:13	point 13:14 70:25 89:24 106:3,12,18 107:1
pay 17:23 56:22,23 57:1,2,3,5,6	percentage 48:16,17 83:20	phone 9:14,16 74:12,14	pointed 54:20
payment 104:10	percentages 66:3	phones 28:22	pointing 10:19
pays 34:12	perchlorate 47:9 56:7 77:14	Physicians 33:24 34:5 35:13,23 38:18 39:8	points 13:16
PECO 59:12	perform 69:24 79:18		poison 103:8
peer 7:7 46:23 93:2,3	performance 20:11 36:22	pick 55:6,9	policy 64:6,18 67:12,18 93:10
peer-reviewed 46:12 48:9 49:16	perhaps 15:8 81:18	picked 54:24	politically 66:14
penalize 35:6	period 46:8 63:7	pieces 80:4	pollutants 82:18
pending 31:13	permissible 54:12	PILCOP 59:4	pollute 34:19,22
Penn 101:5 107:22	permit 4:24 24:8	pile 68:25 69:2,14	polluter 105:14
Pennsylvania 1:12 34:17,18 45:14,21 48:12,15,17 59:3 60:23 66:1 68:9 76:21 77:1,2 83:19 95:1,5 99:22 103:22 104:2,4,7,11,20 109:23 111:15	permits 36:21 37:4 52:24	piles 53:2 103:13 105:1	polluting 66:11
	permitting 37:23 38:1 49:5 50:1 61:25 78:7 82:12 94:9 95:19	pits 103:12 104:25	pollution 40:9 43:21 45:18 97:16 98:8 103:3 108:18
Pennsylvania's 105:21 107:22	pernicious 46:18	placed 59:1	ponds 103:12 105:1
	perpetuate 66:18	places 40:5 43:5,6 99:15	pools 98:15
	person 90:22	plagued 76:25 97:16	poor 40:6 45:16 49:12
		plan 20:17	poorest 56:25 95:9
		planet 34:9	
		planning 24:23	

<p>97:14</p> <p>population 48:24 62:22 82:4</p> <p>populations 48:25 66:4 82:7</p> <p>portion 4:6 7:17</p> <p>pose 80:10</p> <p>posed 61:12</p> <p>poses 11:18 37:25 76:14</p> <p>position 56:13</p> <p>possess 12:24</p> <p>possibilities 85:7</p> <p>possibility 80:12</p> <p>possible 4:25 23:21 25:18 34:10 110:12</p> <p>potent 47:12 77:17</p> <p>potential 4:4 29:18,24 79:19 80:10</p> <p>potentially 75:2 78:3 109:18</p> <p>potentials 20:1 56:11</p> <p>poverty 48:18 53:20 68:23 95:4</p> <p>power 43:1 70:15</p> <p>powerful 68:20</p> <p>practically 37:3</p> <p>practice 53:4,10 77:4 102:2</p> <p>practiced 26:6</p> <p>practices 12:16 16:10 24:4 64:21 67:15 109:4</p> <p>preamble 15:7 16:3 25:9 27:15 86:9 88:2</p> <p>preceded 12:16</p> <p>precious 10:14 11:2,3,6,25</p>	<p>13:17 15:13 18:8</p> <p>precise 89:21</p> <p>predecessor 53:16</p> <p>preregistered 7:18 8:2 57:19 72:16 73:1</p> <p>present 9:4 18:18 25:19 64:17 73:21 74:2</p> <p>President 82:20</p> <p>pretty 92:22 108:23</p> <p>prevent 52:12 61:3 62:10 78:10 84:1 92:15 104:24</p> <p>preventative 65:13</p> <p>preventing 88:22</p> <p>prevents 105:17</p> <p>previous 68:12 94:1</p> <p>previously 22:13 23:14 25:17</p> <p>primarily 45:14</p> <p>primary 12:12,13</p> <p>principal 85:17</p> <p>principles 66:19 67:20</p> <p>printed 28:18,20 30:11,19</p> <p>prior 10:19 53:2 59:15 65:11 66:22 67:7</p> <p>priority 88:25</p> <p>private 59:21</p> <p>probably 22:10</p> <p>problem 13:23 14:4 16:15 89:12 98:17 99:16</p> <p>problems 37:2 40:18 41:1 44:23,25 93:18 99:11 104:17</p>	<p>procedure 10:16 16:15</p> <p>procedures 16:21 51:22</p> <p>proceedings 110:24 111:3</p> <p>proceeds 15:16 26:15</p> <p>process 6:1 11:24 12:12,13,14 15:3,16 17:20 20:4 21:8 22:24 25:23 26:2,14,23 28:1,3 43:14 44:6,8 84:3 88:14 93:3 99:4 110:7</p> <p>processed 51:12</p> <p>processing 11:8,24 13:22 15:15 17:3,4 68:18 70:18</p> <p>produce 14:15</p> <p>produced 14:1,3,4,6 32:1</p> <p>product 11:9 13:19 22:20 25:18,20 28:4</p> <p>production 12:12,13 15:3 17:20 18:4 24:2 59:16</p> <p>products 6:9 17:8 21:5,6 109:20</p> <p>product's 25:22</p> <p>professionals 34:2 35:17 39:13</p> <p>profit 29:2 70:5</p> <p>profitable 69:20</p> <p>program 65:3 67:9,11 91:12,15,20 100:1</p> <p>programs 28:12</p>	<p>85:22</p> <p>progress 67:17</p> <p>progresses 9:20</p> <p>prohibit 50:23</p> <p>Project 45:6,13,15</p> <p>prominent 59:10</p> <p>promised 104:19</p> <p>promote 28:3 34:3 64:19</p> <p>promoting 23:3</p> <p>promptly 53:17</p> <p>promulgated 10:24 15:14 23:23</p> <p>promulgation 38:2 62:16</p> <p>prop 75:21</p> <p>proper 40:25 41:12</p> <p>properly 41:10 55:11 96:8 105:14</p> <p>property 59:21</p> <p>proponent 22:11</p> <p>proportion 95:2,4</p> <p>proposal 4:9 6:3 8:20 9:10 10:25 15:7 16:14 22:1 25:6 26:8 35:9 45:9 46:7 53:2 74:9 83:2 85:11 86:11 87:5,20</p> <p>proposal's 23:3,9</p> <p>propose 21:9</p> <p>proposed 1:4 3:4,8,25 4:3,4,10 5:9 7:10 10:11,17 18:20 19:17,19 20:6,20 22:3 23:6 25:15 26:3 27:17 31:18 32:4 35:4 37:18 38:7,19 39:5,9</p>
--	--	--	---

46:2,10,14,16 47:3 49:24,25 50:24 51:1 52:1,2,3 53:15,18 58:5 60:17,25 61:6 63:23 64:9 67:16,23 71:23 78:3,21 80:18 83:1,5 84:7 86:10 92:12,17 95:24 96:1 101:17 104:13 110:20 proposing 4:12,20 5:2,7,12,14,25 6:6,15 26:13 29:19 props 75:20 protect 35:7 36:8 41:16 55:25 58:21 60:21 63:2 64:8 67:14 68:17 70:19 78:6 83:5 94:8 105:12,20 protected 61:24 65:5 protecting 7:14 33:2 41:19 62:25 65:16 protection 50:3 64:19 65:1 77:3 105:7 protections 29:12 38:25 51:3 53:21 63:21 84:11 104:5 protective 36:5,22 86:12 protectiveness 6:19 protects 64:22 89:1 protest 70:15 proud 54:19 provide 3:24 8:24	20:6 29:24 34:14,18 46:6 50:2 63:6 73:22 provided 6:13 8:16 29:13 73:17 80:24 provides 45:13 104:14 providing 84:18 provision 21:15 22:10,11 24:18 65:7 66:21 provisions 22:3,14,25 23:8 29:23 30:3,7,14 33:6 proximity 45:22 public 1:5 3:3,10,17 4:9 7:3,8 10:1 11:22 19:12 33:25 35:15,16,18 38:21 43:14 45:5,12 49:5 50:11 51:3 54:6 55:24 58:1,2 60:20 63:1,14,15,20 65:1,4,20 66:13 67:14,22 68:6,7 71:22 72:6 79:17 82:11 90:6 95:18 98:11 101:17 102:7 105:7 106:11 107:8,15 109:14 110:12 111:14 public's 35:7 37:13 published 4:3 104:13 Puerto 91:17 purifiers 20:22 purify 11:23 purpose 60:24 pursuant 79:16	103:17 purview 67:5 push 26:22 putting 24:14 67:3 <hr/> Q <hr/> qualify 33:16 Quality 98:12 quantities 76:18 quantity 50:8 62:7 quarter 71:3 question 22:6 25:10 56:22 questioningly 54:25 questions 8:19,21 85:22 quickly 33:20 Quigley 33:23 Q-U-I-G-L-E-Y 33:23 quite 42:8,19 <hr/> R <hr/> rain 98:1 raise 54:8,14 raised 79:16 85:6,8 raising 85:3 91:5 ran 54:22 ranging 101:23 rare 6:2 rashes 98:14 rates 40:8 49:14 82:17 rather 20:4 52:13 70:6 80:21 81:9 rationale 23:21 RCRA 4:6 11:16 12:16 13:5 16:11 21:24 24:8 26:7	27:6 29:22 31:2,10 32:5 33:12 35:22 36:5 37:4,7 53:23 64:7,13 65:19 67:9,13,19 75:8 90:3,10,14 101:23 102:11 104:19 RCRA's 37:5 47:2 64:4 65:16 88:19 reach 18:9 reaching 69:12 reactions 99:6 reactors 20:22 reading 108:5 real 29:14 54:9,15 97:21 reality 90:5 realize 33:9 realizing 29:4 32:24 really 10:20 22:5 41:16,18 54:19 55:2 56:22 75:20 79:25 80:2,3 85:11,13,17 86:1,25 87:11,15,19 88:18 89:6 90:9,13 91:2 92:10 93:1,14 94:18 95:9 96:11 108:11 109:2,3,11,13 110:6,10 reason 9:4 15:15 16:16 17:1 24:10 47:17 53:10 88:12,15 89:11 reasonable 20:18 66:25 reasons 74:1 rebuild 108:12,18 receive 46:2
---	--	---	---

102:24	14:3,12	84:2,3,9,11,16	102:2
received 22:1	recyclables 48:6	92:14	regulating 21:23
receiving 3:9	recycle 13:5,7	93:15,16,22	regulation 38:8
recent 27:8	17:19 19:9 20:7	94:10,16,22	56:14 58:7 66:11
recently 96:14	32:6,19,20 36:21	96:19,25	67:5 69:17 82:24
recess 71:6,18	47:17 58:7	97:3,5,19	102:10 107:25
106:8,15,22	recycled 4:8 22:23	98:21,24	regulations
107:5,12	25:18 29:7	102:1,11,13,15,1	4:6,7,11,18 6:23
reclaimed 5:4 13:8	30:6,14 32:22	9 103:1,2,23	12:17 13:6 29:22
21:17 29:7 31:11	47:1 62:9 77:25	105:6,10,16	31:2,11 32:12
47:16 50:9	101:24	109:5,7,12,14,20	33:13 35:11 36:8
reclaimers 5:19	recycler 6:4 32:14	,21,24 110:4	42:12 48:2 49:7
reclaiming 31:23	recyclers 38:5	red 8:8 73:8 99:23	55:16 56:3 58:24
32:11 33:10	40:12 62:13	reduce 42:9 51:16	59:8 60:2,6 64:4
reclamation	63:25 78:24 79:9	60:6	65:20 67:10
4:14,22 5:5 7:13	84:13 102:22	reduced 32:21	70:18 82:13
24:3,7	recycling 3:19	35:24	89:21
31:1,13,17,20	4:10	reduces 101:23	regulators 12:21
32:15 36:1 67:1	5:15,17,19,20,21	reducing 32:2	56:12 90:6,16
recognize 34:16	,24 6:3,5,23	reexamine 103:18	regulatory 5:15,23
52:3	10:13 12:22	referring 33:2	6:24 17:10
recognized 10:20	13:13,17 14:12	refers 23:20 27:16	18:2,5 23:11
12:22 15:13,20	15:21,23	refineries 11:22	24:15 27:18
16:3 18:10 64:13	16:7,10,12,25	reflect 75:1	29:10,19 31:6
65:23 67:6	17:17 24:9	reg 70:17	32:19,25 49:20
recognizing 34:7	25:11,13	regard 23:19	56:16 64:12
38:24	26:2,4,5,17 28:3	regarding 3:4	88:20
reconvene 71:2	29:11,15,20,21	19:17 21:14 22:9	related 18:25
106:6,13 107:9	30:4 32:1,10,21	31:17 96:5 98:24	99:25
record 8:1,15 19:1	33:4,7 35:5,11	regime 29:19 31:6	relates 109:4
72:24 73:16	36:1	region 40:1,3	relating 10:12
recording 50:6	37:1,20,21,24	register 79:25	relationship 59:4
recordkeeping	38:13,20 39:1	registered 8:4 9:8	relaxation 52:1
5:13 20:17	41:6,9,19 43:1,4	73:3 74:6	release 52:15,16
22:5,7 23:6 27:1	44:1,21 45:11	registration 8:13	81:20 83:8 84:6
51:8 64:2 67:8	47:21 48:1,19	9:6,9,12 73:13	89:10 90:1,5
84:15	49:1	74:7,8	102:3
recover 12:17	50:2,16,17,23	regular 50:16	released 56:10
recovering 12:7	51:8,11,14,20	78:17 94:13	65:11 69:14
92:3	53:2 54:4 56:5	regulated 4:8	77:12
recovery 3:14,16	59:18 60:3,7	5:10,19 19:24	releases 44:5
35:22 72:3,5	61:2,12,14,17,22	23:11 27:4 32:5	52:12,19 53:5
recyclable 4:17,23	62:1 65:5,12	76:15 93:16	58:11 62:10,17
	66:23 68:13 70:4		66:6,17 78:11
	72:11 76:14,16		83:21 84:2 88:23
	77:7,9,18,22		90:10 95:13
	78:8,18,19,22		
	79:3,11 80:10,13		
	81:17 83:4,12		

105:18 releasing 7:2 69:8 relevant 20:7 58:16 81:24 95:17 relief 28:1 relieving 32:25 remain 10:25 21:20 22:24 23:16 27:24 remainder 30:8 remaining 83:24 remains 19:5 25:14 remanufactured 21:5 remanufacturing 6:8,10,11 20:1,16 31:21 38:6,16 remarks 8:14 73:15 94:1 remediate 22:20 108:16 remedy 94:20 remember 8:13,17 73:14,17 remind 46:10 remove 44:10 51:17 52:21 63:24 84:6 102:14 removed 69:25 102:9 removes 31:18 102:5 removing 29:10 32:19 reopening 19:11 repairing 63:20 replace 4:12 Reported 1:15	reportedly 35:25 reporter 1:16 7:25 72:22,23 107:19 111:1,2,14 reporting 1:17 51:19 62:5 78:13 94:12 represent 91:19 representation 58:17 81:25 representing 28:15 33:24 35:14 39:20 75:13 represents 28:16 30:23 request 39:4 96:23 requested 4:4 87:25 requesting 4:9 require 61:25 62:5 78:7,9,12,14,17 82:13 94:9,10,12 108:16 required 26:21 50:20 61:18 62:14 requirement 62:2 65:9 66:15 requirements 4:19 5:1,13 20:17 23:6 27:1 38:1 47:3 51:18,19 52:8 67:8 78:2 83:12 96:18 104:23 105:3 requires 6:4 13:25 49:15 103:13 requiring 6:22,23 47:23 50:6,14 77:10 93:24 rescinding 24:12 reserves 63:6 resided 58:22	resident 61:10 101:13 residential 59:22 residents 45:16 59:5 68:22 105:21 resin 59:17 resins 20:24 resist 51:15 resisting 52:2 Resource 3:15 35:21 72:4 resources 31:4 respect 64:14 respects 46:17 responsibility 33:25 34:6 35:14,23 38:18 39:8 105:14 responsible 64:25 65:17 105:13 109:9 responsibly 13:10 restart 107:14 restore 38:19 restoring 61:1 92:13 restricting 33:5 restrictions 32:4 result 13:13 15:18 21:23 31:1 37:14 48:24 64:12 69:23 82:18 102:25 results 60:2 102:3 resume 71:14 retain 5:2 retention 21:16 22:9 return 8:10 29:19 73:10 76:8 reuse 26:6 42:9	reused 26:10 29:8 revamp 14:15 17:18 revamping 15:2 18:4 revealed 69:10 revenues 18:3 reversal 46:18 70:16 reverse 22:2 reversing 33:5 68:15 review 7:7,8 93:2,3 reviewed 46:24 revised 35:10 revision 58:5 65:7 revisions 4:5,10 5:1 6:15 35:20 101:21 revisit 91:4 revisited 88:1 revisiting 85:6 revoked 25:1 RIA 17:10 Richard 2:6 3:21 72:8 Rico 91:17 rid 12:18 ride 10:12 25:16 rights 63:6 rigor 93:6 rising 56:6 99:11 risk 20:12 51:23 58:25 59:1 65:22 66:17 96:20 risks 7:15 11:18 37:25 53:5,9 64:11 River 59:14 69:9 robust 44:12 51:7
--	--	---	---

54:3 84:14 91:15 92:2 roll 26:3 rollback 104:6 room 9:18 74:16 106:2 rooted 46:5 route 38:15 41:8 rule 1:4 3:4,8,21,25 4:4 7:5,11 10:17,19,24 11:1 13:6 15:14 16:2 18:21,25 19:4,5,10,17,19 21:10 23:18,24 24:16,22 25:3,10 26:5 27:10,17 29:3,6,9,13,19,2 3 30:7,14 31:9,12,14,16,18 ,25 32:23 33:6 35:10,24 36:3,4,10,16 37:12,18 38:2,7,14,19 39:10 43:23 44:14,15,18 45:10,25 46:2,10,13,14,16 ,19,22 47:3 48:10 49:4,9,18,21,24, 25 50:7 51:1,4,6,12,15 52:1,2,3,6 53:14,15,16,18 58:6 60:17 61:1,6,24 62:6,16,25 63:22,23 64:5,9,23 65:4,24 66:16 67:23 68:14,17 69:18 70:17 71:23 72:1,10 74:24 77:23 78:3,6,21 79:20,24	80:8,15,18 81:15 82:10,15,24 83:1,4,5 84:7 85:4 86:4,10,12,20 87:5 88:25 89:24,25 90:21,23,25 92:10,12,17 94:8 95:18 96:1 100:20 101:18,20 102:5,9,25 103:11,13,19,21 104:13,14 106:18 107:1 110:20 rule-making 46:20 rules 27:21 40:18 41:1,21,24 42:3 43:12 50:23 55:17 59:19 rule's 52:8 67:16 101:22 105:3,4 run 4:2 9:2 runoff 52:19 69:9 rural 40:6 97:13 <hr/> S <hr/> Saddle 99:21 saddling 29:20 safe 43:15 60:3 103:15 safeguard 34:3,6 38:21 safeguards 6:22 35:4 45:11 50:20 51:20 62:9,14 84:9 97:11 102:5 safely 55:20 105:15 safer 38:14 safety 50:14 52:10 78:14 94:12 Salvage 99:17	Sam 101:3 samples 69:10 satisfactorily 27:23 saving 32:3 saw 76:22 102:14 scan 25:25 scheduled 7:20 9:2 72:17 73:24 schedules 3:7 school 54:9 57:3,25 63:13 68:5 75:5 schools 35:18 43:19 science 46:23 scrutiny 55:24 seat 8:10 73:10 second 3:11 5:2 10:15 22:19,21 51:6 52:11 61:5 62:15 64:9 87:19 88:11 104:2 secondary 4:7,13,21 5:3,8,16 7:1,13 12:1,4,8,10,19,2 3 13:1,9 14:1,7,10,16 15:4,10,18 19:21 21:2,16,20 22:23 23:16 25:18 27:9 29:6,15,20 30:4,13,24 32:6 33:12,15 35:5,12 52:14 64:1 80:9,13 90:1 Secondly 105:2 section 59:20 sector 33:1 seeing 99:15 seeks 60:21 seem 95:11	seemingly 65:15 seems 87:16 88:3 90:9,11 95:7 seen 31:23 40:8 41:13 42:21 43:18 103:18 segments 66:13 self-regulatory 89:12 sense 10:18,21 16:4 18:10 30:21 55:13 sensitive 108:8 sent 6:8 11:22 29:21 96:15 sentence 27:15 80:2 September 1:6 serious 36:15,25 37:14 40:18 41:1 90:24 serve 75:16 service 57:9 services 45:13 serving 18:23 session 3:17 7:19 8:3 71:22 72:5,17 several 46:16 103:25 severely 31:19 33:5 35:24 101:23 sham 5:24 14:12 15:21 16:12 50:23 78:22,24 79:3 84:11 93:17 shameful 48:7 shape 96:7 share 40:9 75:21 sharing 93:5 ship 4:21
---	---	--	--

shipped 96:6	59:10 61:13	24:19 25:5,14	sorry 32:25
shocked 23:8	68:18 75:24	26:20 27:13,22	sort 55:13 86:14
short 65:16 71:6	77:6,12 80:25	soda 54:21	93:5,6
shortcutting 87:18	91:16 93:21	soil 36:25 38:9	sound 46:23
shorter 56:18	97:4,6 102:12,19	53:6 61:15 70:2	sources 30:24
Shortly 69:7	103:9,24	77:8 93:23	97:16
shoulder 70:11	104:1,3,12	soils 47:22	South 75:6 78:25
shoulders 59:2	siting 49:5 82:11	sold 11:21	101:13
shut 16:22 17:18	95:19	solely 14:5	Southern 75:25
sick 57:2	situation 15:8	soliciting 67:22	speak 8:3,4 9:7
sides 41:21	16:14 32:2 79:5	solid 1:4 3:5,21 4:5	10:1 18:7 33:22
sidewalks 69:6	90:17 94:2 98:22	6:7,16 7:4	39:22 46:9 54:3
Sierra 39:20,21,25	100:16	11:10,19 18:21	57:18 68:3 70:24
41:23 56:2 75:18	situations 10:17	19:22 27:9,19	71:10 73:2,3,7
80:21 91:13,19	six 4:10 48:11	35:10,21	74:6 100:25
93:9 103:17	slag 68:25	40:17,19,23 43:5	101:12 106:11
sign 9:8 15:21 74:7	69:2,3,10,20,25	45:10 54:4	107:8,9
99:10	70:2	58:6,8,25	speaker 74:19
signed 9:13 57:18	sloppy 76:17	60:7,18 64:15	speakers 7:18,22
significant 29:24	slow 20:11	68:14 69:18	8:2 9:1 57:19
48:13 52:9 70:3	sludge	71:24 72:10	71:1,3,13,15
80:1,10	30:10,15,19,23	74:23 76:13 86:4	72:15,18 73:1,23
significantly 26:5	31:4,7,13,17,20,	88:15 93:10	speaking 8:9,10
30:16 36:16	22 32:7,11,14	101:18,21	73:9,10
silver 11:11	33:11,14	107:15 108:1	special 103:13
similar 6:8 21:6	sludges 13:7 103:2	109:1 110:20	specialty 18:24
similarly 21:12	small 14:22 18:23	Solutions 97:21	22:19
simple 55:12 56:22	19:8 28:25 76:23	solvents 6:8,12	specific 6:12 19:21
70:12 105:11	smaller 26:24	20:2,8,20,21	36:22 37:22 38:1
simply 104:22	smelter 94:4	21:4,9,12 26:9	52:8 89:18
107:23	smelting 94:2	38:7,9,13 42:5,7	103:14
sincere 85:2	99:16,18	47:9 77:13 103:2	specifically 23:20
single 22:10 80:1,2	so-called 38:6	somebody 54:18	83:25
90:1	58:11	57:14	speculative 17:23
sit 57:3	Social 33:25 34:6	somehow 14:15	50:12
site 41:5 59:12,22	35:13,23 38:18	15:1	spell 7:25 72:22
69:1,4,10,25	39:8	someone 42:23	spend 15:1 76:10
99:20	society 18:16,19	54:21 74:5 88:8	spent 20:2
sited 95:15	34:14	someone's 24:13	spilled 103:8
sites 40:2,4 44:10	society's 57:8	somewhere 9:17	spills 76:17
47:21,25 56:5	SOCMA 18:20,22	74:15	spirit 86:16
	19:3,9,14	sophisticated	spoke 19:12
	20:14,19,25	28:23	spread 69:4
	22:10,13 23:5,13	Soprano 40:21,22	

spring 19:15	statistics 108:21	52:18 69:9	stuff 17:22 110:4
squelch 28:3	status 4:24	stream 30:9	subject 4:17 13:5
staff 7:16 79:22 85:5,23	statutory 67:4	streamlined 4:18 51:14	26:11 37:4,22,25 41:11 64:11 90:2 102:23
stand 51:2	stay 9:3	streamlining 4:25 39:5 83:3 95:24	subjects 65:20
standard 4:15,16 5:11 21:8 84:1 86:15 87:10,16 89:9,13	staying 21:22	streams 17:6 26:22,24 98:8	submit 8:17 9:5,11 26:18 55:23 73:18 74:2,10 90:20 105:24
standards 36:13,22 37:8,23 38:1 39:6 50:1,14 51:7,14,16 52:1,6 53:3 61:3 64:2,12 65:10,13 66:22,23 78:10 83:4 84:14 89:17,21 92:15 94:11	steadily 99:11	street 1:11 54:20 59:11	submitted 10:8 19:13,14 31:8 35:19 92:7
stands 89:2	Steel 54:1,2,5	strengthen 44:4 51:6 53:17 58:6 61:2 64:1 83:5,25 95:25	submitting 19:1 28:5 79:10
start 11:5 85:14	S-T-E-E-D 54:5	strengthened 52:4 59:9 68:17 70:19	subset 26:1
started 3:3 9:21 74:18	steel 59:16	strengthening 46:16 92:14	substance 99:7
state 7:24 10:6 40:22 41:10 47:23 48:16 61:18 72:21 77:10 79:10 93:24 95:3,10 99:17 100:4 101:1 103:25 109:23 111:14	stenographic 111:6	strict 37:5,10	substances 36:21 52:18 61:16 77:9 79:12 93:24 109:18
stated 111:5	step 29:4 32:24 38:24 41:22 59:24 63:19 67:17 87:3,19	stricter 48:6 55:17 84:9,11	substantial 37:25 51:9 77:23 84:17 99:5 102:7
statement 10:8 23:9 86:9 88:2	Stephanie 28:10	strictly 76:15 93:16	substations 43:2
states 5:10 12:21 24:18,21 28:16 30:25 35:3,15 40:14 48:11 64:19 89:9 90:16 94:25 101:10 103:22 104:6	stepping 88:10	strikes 7:11	Subtitle 35:21 64:4 65:3,19 67:5,11
statewide 58:16,17 81:24 82:1 95:17	steps 63:2 79:8 80:23 86:25 105:20	stringent 37:8,23 102:10 103:16 105:5	suburbia 53:20
statistically 48:12	stick 42:25 43:1 54:17	stringently 102:2	success 109:22
	sticks 57:13	striving 27:7	suddenly 14:12
	stifling 56:11	strong 41:1 60:4 98:20	suffer 45:16 68:18 70:20
	stop 8:9 17:17 73:9 77:3 79:21 89:25	stronger 60:6	suffered 68:10
	stopped 32:11	strongly 19:3 21:15 23:5,14 26:20 31:21 51:2 60:25 94:7	suffering 100:18
	storage 20:17 24:8 32:5 37:8 39:6 44:5 51:17 52:7,8,19 53:1,3,9 65:5,14 66:22,24 78:10 83:11 84:3 94:11 104:23,24	struck 19:5 29:9	suffice 12:6
	store 17:22 36:20 79:5	structure 26:14	sufficient 62:12 86:16 87:18
	stored 62:8 103:7,12	struggle 34:13	suggested 24:6 51:13
	storm 69:6	student 35:17 54:7 57:25 63:12 68:5	suggesting 66:10
	stormwater 44:9	studies 42:17	suggestion 23:13

suggestions 81:18		tested 102:10	therefore 32:8
suggests 15:8	<hr/> T <hr/>	testified 98:13	37:4,17 45:25
suitability 25:22	table 8:13 9:6,9,12	testify 45:8 58:4	60:5 62:22 66:15
sum 18:1	73:13 74:7,8	63:6 91:22	81:15 82:4
summary 71:25	taking 3:7 4:1,25	105:23 106:3	there's 14:8 17:11
Superfund 47:24	6:21 17:2 87:6	testimony 7:21	40:21 68:24
61:19 68:25	88:19 90:24	8:5,12,22 60:24	76:20 86:2
77:11 93:25 97:4	talk 10:7 24:17	72:18	88:2,6,12
102:19 104:1,3	39:25 83:10	73:4,12,21,22	89:10,13 94:20
superior 94:18	87:10	92:6 107:24	98:20,23 99:1
supervised 36:11	talking 76:11	108:22 110:12	they'll 14:21
support 19:4	109:17	111:3	57:2,3,5 90:14
21:15 23:7 37:17	TAR	thank 3:3,6 9:20	they're 11:20
39:9 44:1 46:9	10:13,18,20,25	18:6,12,13	12:13,17
60:25 61:5,19	13:23,24 14:9	28:7,8	13:2,10,11 17:7
63:18,23 67:23	15:25 16:2,5	33:18,19,21	55:19,21,23,24,2
87:4 92:12,16	18:7	39:16,17	5 57:2 76:3
107:24	target 14:19	45:1,2,4,8	79:13,14 89:7
supportive 109:21	targeting 95:9	53:24,25 54:2	90:15 100:13
supports 20:19	taxpayers 102:20	57:15,16 58:4	109:20
supposed 55:25	104:11	60:8,10,16	thick 98:9
110:4	TCE 47:9 77:13	63:5,8,9,17	third 4:14,22 5:14
sure 24:9 41:18	103:5	67:21,24,25 68:3	13:18 27:22
42:1 43:15	TCLP 12:24 13:2	70:21,22 71:4,16	52:16 68:23
44:1,21 55:19	teaming 91:20	74:17,21,22 75:7	105:5
62:12 87:15	Ted 57:24	79:22 83:15	third-year 63:12
88:22,25 94:20	temperature 99:14	84:19,20,22 85:2	68:4
96:15 108:22	temperatures	86:4 87:1	thorough 80:22
surface 47:22 53:1	99:10	91:7,8,21 92:8	thoroughly 46:23
61:15 77:8 93:23	ten 7:21 8:5 72:18	100:19,22	thousands 15:2
surfaced 99:25	73:5	101:2,15	27:4 34:16 36:7
surrounding	tend 48:23 49:9	105:23,25	threat 36:16 60:6
31:15	66:11	106:1,6,20 107:3	62:23 82:5 86:21
sustainable 7:12	Tennessee 97:13	110:9,14,22	99:5
20:8 23:4 24:3	98:11	thankful 103:19	threaten 83:24
29:4,25 75:14	Tennessee's 97:14	thanks 75:7	threatened 36:6
swimming	tens 16:23 17:25	110:13	threatens 104:8
98:14,15	104:1	that's 10:16 13:19	threats 48:25
swirl 24:16	Teresa 33:22	14:3 15:11,20	61:11 76:15
switches 104:10	term 42:19	17:19 43:8 55:2	97:17
system 36:6 88:20	terms 22:22 79:13	85:10	throughout 27:6
systems 28:23 42:6	80:8 92:10 93:12	86:3,10,12,15	34:17 35:14,18
	100:4	87:3,11 88:14,18	thrown 54:21
		89:9 90:4,11	95:11
		107:24 108:13	
		110:1	
		themselves 55:24	
		58:19	

Thursday 3:12	69:14 81:20 82:5	trends 66:10	unclear 90:13
thus 19:24 23:3	95:13 97:24	tribal 79:1 81:7	undergone 7:7
25:1 27:22 36:20	102:3,8	tried-and-true	undermine 26:5
37:10	toxic-free 39:15	89:17	undermines 66:19
tightened 56:4	toxics 10:12 17:8	triggered 99:6	underrepresented
timekeeper 72:13	25:15 56:7 83:21	troubling 61:20	66:7
Tittel 39:18,19	trace 11:14 52:17	truck 43:18,19	underscore 93:15
today 3:8,18,23	track 104:16	true 5:20 55:16	underserved 108:9
4:1 8:5,20,24	tracking 103:14	111:6	understand 34:25
9:2,13 10:7 30:8	trade 18:22 28:14	truly 25:3 67:12	85:19 89:6
33:24 39:9	train 76:21 104:15	trust 109:19	understandably
46:3,9 58:5	training 51:21	try 10:17 13:21	24:24
60:24 69:16	transcribing 8:1	77:3 108:17	undertaking 46:20
73:3,20,21 75:9	72:23	trying 54:8 87:12	79:23
82:9 85:3	transcript 111:7	108:12	undertook 76:12
101:12,16	transfer 30:6	TSD 17:24	unfairly 59:2
105:24	31:18 84:10	TSDF 32:8,9,13	70:20
107:23,25	transfer-based	turmoil 61:20	unfortunate 29:17
today's 3:3,17 4:2	31:24 37:18	turn 9:15 74:13	Unfortunately
7:17 110:11	49:20 82:23	turned 97:3	31:15
toll 22:17 23:25	87:21 88:4	turning 110:5	unique 22:15
tolling 5:6	transferred 4:14	twofold 60:25	United 28:16
22:9,11,22	transfers 20:2	tying 24:12	30:25 35:15
23:6,14,22 24:6	transparency 50:6	types 19:21 41:13	40:14 64:19
44:11 83:8 84:6	62:5 78:12 94:12	42:12	units 12:14 13:11
88:1,5,13 96:3	transparent 43:13	typical 29:1	52:20
toluene 47:9 77:13	transport 37:8	typically 26:21	universal 34:4
tonight 73:25	50:15 52:22		University 63:13
tons 36:5 40:15	65:12 78:14 79:4		University's 68:5
46:25 69:25 70:1	94:13 103:15		unlicensed 36:10
77:24 102:16	transportation		unlimited 52:22
top 26:16	43:16,21,22		unnecessarily 24:3
topic 55:14	transported 55:21		unnecessary 32:25
total 62:22 69:10	transporting		unregulated 76:16
82:4	51:18		94:5 104:25
totally 94:5	trash 99:4		unsafe 37:1 70:9
toward 38:24 87:1	treatment 5:21		unsustainable
towards 29:4	30:10,23 32:5		28:4
32:24,25 63:20	37:8 66:23 87:7		untapped 30:24
towns 42:24	tremendous 85:19		unworkability
toxic 15:9 34:11	87:3 109:22		10:15
36:17 37:13 38:8	trend 66:19		
48:25 58:11			
62:17,23 66:6,17			

uphill 109:24 upon 49:18 70:14 109:3 U-R 101:3 urge 18:7 21:7 33:9 46:14 60:5 61:2,23 63:24 92:14 urged 51:12 urges 20:20 urging 10:23 usages 21:11 useful 87:7 110:5 usually 11:20 40:6,7,8 62:20 87:13 utilized 23:10 24:11 <hr/> V <hr/> vacations 75:5 vague 39:7 valuable 19:22 21:12 23:1 28:4 31:4 57:8 value 16:23 26:1 30:13 33:16 valve 28:1 variance 6:19 10:16 16:15,18,21 17:3 26:19,22 variances 6:16 variety 28:21 various 89:18 94:5 vary 11:20 14:23 vast 69:21 Vernice 85:15 86:6 91:24 93:17 102:16 vibrate 9:16 74:13 vice 75:15	views 18:19 vindicate 50:18 vindicated 50:10 violations 41:11 virgin 14:5,6 15:11 25:20 32:2 Virginia 97:9 99:23 visited 49:18 voice 107:23 volunteers 101:8 vulnerable 53:19 63:3 104:8 <hr/> W <hr/> waiting 16:20 17:16 100:17 waived 100:13 waivers 100:18 W-A-L 60:12 Walker 60:11,12 walking 54:20 Washington 72:8 91:13,18 97:9 99:22 wasn't 95:10 waste 1:4 3:5,14,21 4:5,6,15,18 5:17 6:7,16 7:4 18:21 19:22,24 27:9,19 29:22 30:9 31:2,10 33:13 35:10,21 36:5,12 37:1,20,24 38:5,20,25 39:6 40:18,19,23,24 41:4,18 43:5 44:5 45:10 46:25 47:3,6,21 48:2,19 49:1,6 50:1,9,15,17 51:11,13,17,20,2 5 52:7,15	53:1,2,5,21 54:4 55:22 56:4 57:8 58:6,25 59:18 60:3,7,18 61:1,7,14,16 62:1,8,13 64:4,15,20,25 65:18 67:4,11,15 68:11,13,14 69:18,22 70:4,18 71:24 72:4,10 74:24 76:13,14,16,19 77:7,9,10,12,18, 21,24 78:2,5,8,10,15,1 8 81:16 82:12,18 83:3,11,12 84:2,3,9,13,15 86:4 88:9,19 89:19 90:2 92:13,19 93:10,15,20,25 94:11,13,14,21 95:25 96:5,8,17,19,21, 24 97:3,20 99:2,8,10 100:4 101:18,21 102:1,8,10,13,17 ,22 103:1,23 104:7,20 105:15,16 107:15 108:1 109:1 110:20 wastes 35:25 36:13 58:8 61:12 89:18 90:15 101:24 103:3,10 wastewater 30:11,23 wasting 31:4 watch 13:20 106:6 water 36:25 38:10 53:6 61:15 77:8 85:23 93:23 98:7 103:8 waters 34:22	47:23 ways 19:23 21:6 42:9 51:13 weaken 46:15 51:3 52:2 58:24 84:7 weakened 68:12 weakenings 44:17 we'd 9:14 week 3:12 weigh 19:10 we'll 7:17 9:3 16:22 17:4,17,23,24 71:2,22 106:13 well-being 35:3 we're 4:1,2,20,24 8:25 13:12,22 16:20 17:16 23:12 42:2,4 71:1 85:11 87:16 88:19 91:2 100:20 103:19 107:14,23,25 109:6 West 97:9 99:23 wet 97:24 we've 16:10 43:18 57:18 70:25 109:22 whatever 43:2 whatnot 17:9 whatsoever 65:10 whereas 30:18 Whereupon 71:6,18 106:8,15,22 107:5,12 110:24 whether 53:19 54:11,12 87:25 90:14 whole 14:5 42:4 94:3 who's 3:19,20
--	---	---	--

72:9,11 whose 58:25 willing 25:2 91:3 willingly 34:22 Wilmington 76:22 99:17 win 39:14 win/win 32:2 wind 69:5 Winget 68:1,2,4 W-I-N-G-E-T 68:4 wins 39:10 wish 24:2 wishes 70:24 100:25 withdraw 35:24 36:3 105:9 withdrew 31:12 W-M-O-N-T 10:3 Wonderful 76:6 110:18 wondering 106:17,25 work 7:17 15:12 16:16,17 34:20 41:15,18 45:19 46:5 55:19 57:3,23 68:6 85:10,19 89:6 92:11 100:2,20 worked 27:23 worker 55:9 workers 18:4 35:1 39:13 41:20 workgroup 3:20 72:9 working 54:14 59:5 77:3 80:6 85:21 90:23 works 3:22 45:15 world 10:5 34:11	89:12 worse 14:14 24:10 86:15 109:8 worth 12:8 26:21,25 wreck 104:15 writing 74:3 79:13 written 8:11,14 9:5,11 10:8 12:3 19:1,13 28:6 35:19 38:17 46:7 73:11,15,18 74:10 84:18 91:6 92:6 96:5 105:24 wrong 54:15 55:8,13 <hr/> Y <hr/> yards 69:3 yellow 8:7 73:7 yet 9:7 24:22 70:5 74:5 81:14 103:11 yield 60:1 yielded 86:9 York 97:9 99:21 you'll 76:22,23 you've 73:9 100:19 108:22		
--	---	--	--